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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - - - -

Abbie Shibe,) Judge Solomon
) Oliver, Jr.
Plaintiff,)
)
vs.)
) Case No.
Cardinal Credit Union, Inc.,) 1:21-cv-01436-
) SO
Defendant.)

- - - - -

Deposition of:
ABBIE SHIBE
Appearing Remotely from
Cuyahoga County, Ohio

March 7, 2022
2:32 p.m.

Reporter: Kristin Wegryn, RMR, CRR
Appearing Remotely from
Cuyahoga County, Ohio

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14 ALSO PRESENT:

15 Christine Blake, Cardinal Credit Union
16
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I N D E X

EXAMINATION OF ABBIE SHIBE

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1 REPORTING REMOTELY FROM CUYAHOGA COUNTY, OHIO

2 Monday, March 7, 2022, 2:32 p.m.

3 - - - - -

4 ABBIE SHIBE, of lawful age, called for
5 examination, being by me first duly sworn, as
6 hereinafter certified, deposed and said as
7 follows:

8 EXAMINATION OF ABBIE SHIBE

9 BY MR. CAMPBELL:

10 Q. Could you please state your name for the
11 record.

12 A. My name is Abbie Shibe.

13 Q. And could you spell "Shibe" for the
14 record.

15 A. S-H-I-B-E.

16 Q. And what is your current address?

17 A. 7400 North Chestnut Commons Drive,
18 Mentor, Ohio 44060.

19 Q. Okay. Have you ever been deposed
20 before?

21 A. I have not.

22 Q. Okay. I'm sure Sam has given you his
23 instructions. Let me give you mine.

24 A. Sure.

25 Q. First of all, if you need a break at any

1 time, just speak up and I'd be happy to give you
2 a break, okay?

3 A. Okay.

4 Q. Okay. Two -- and you'll just -- a lot
5 of times, you might know where we're going or a
6 nod of the head seems okay, like if we're just
7 talking, but if you could just verbally respond,
8 it will be a lot easier for the court reporter
9 and our transcript, okay?

10 A. Absolutely.

11 Q. Three, if there's anything that I ask
12 that you need me to repeat, if you need me to
13 explain, if you need me to break it down, just
14 speak up and I'd be happy to do so, okay?

15 A. Okay.

16 Q. Okay. With that, we will get started.
17 Thank you for -- starting, you took a day of
18 vacation from your current employer; is that
19 right?

20 A. I did.

21 Q. Okay. Well, let me ask you: Are you on
22 any medications that could impact your ability to
23 testify truthfully today?

24 A. I am not.

25 Q. Okay. Are you on any prescription

1 medications today?

2 A. Yes, I am.

3 Q. Okay. Anything -- any prescriptions for
4 anxiety or anything, depression or
5 psychiatric-related?

6 A. No, sir.

7 Q. Okay. Have you had any scripts,
8 prescriptions for those areas in the last five
9 years?

10 A. No, sir.

11 Q. Okay. Do you have any work restrictions
12 today?

13 A. I do not.

14 Q. Okay. And have you ever been through
15 litigation before?

16 A. No, I have not.

17 Q. Okay. Have you ever filed -- I know you
18 filed a charge of discrimination in this matter.
19 Have you ever filed a charge of discrimination
20 before this case?

21 A. I have not.

22 Q. Okay. And most employers have internal
23 procedures. Are you familiar with those where --
24 open-door policies or, you know, complaining
25 under the harassment policy?

1 A. In regards to?

2 Q. For any employer. I'm just asking you
3 about just in general with employers.

4 Does your current employer, for example,
5 have provisions whereby you can bring complaints
6 to your employer?

7 A. Yes.

8 Q. Okay. So you know what I'm talking
9 about, where you have the ability to bring
10 forward complaints.

11 Have you ever brought forward any
12 complaints to any employers while still an
13 employee internally where you've said, hey, I'm
14 the victim of discrimination or harassment?

15 A. No.

16 Q. Okay. Have you ever filed a workers'
17 compensation claim before?

18 A. I have not.

19 Q. Okay. Have you ever filed for
20 unemployment?

21 A. Yes.

22 Q. Okay. With this employer with respect
23 to Cardinal?

24 A. Yes.

25 Q. Okay. Any others?

1 A. When I was out of work in the past, yes,
2 I have filed unemployment.

3 Q. Okay. And as to any -- have you ever
4 been sued by anybody?

5 A. No, I have not.

6 Q. You have not. Okay.

7 And you've not been a party to any other
8 lawsuits?

9 A. No, I have not.

10 Q. Okay. Have you ever been deposed
11 before, or is this the first time?

12 A. I have not been deposed.

13 Q. Okay. Have you ever filed for
14 bankruptcy?

15 A. Have I filed for bankruptcy?

16 Q. Yes.

17 A. Yes.

18 Q. When was that?

19 A. Over ten years ago.

20 Q. Okay. What chapter?

21 A. I believe it was seven.

22 Q. Okay. Where are you working today?

23 A. I work for CrossCountry Mortgage.

24 Q. Okay. What office?

25 A. I am in their corporate office in the

1 Brecksville location.

2 Q. Okay. And what do you do there?

3 A. I am a collateral manager.

4 Q. Okay. What does that mean?

5 A. It means I manage a group that takes all
6 of the loans that have been closed across the
7 country and we process the collateral for those
8 loans. And all of the loan documents are scanned
9 into a drive where they're saved, retained for
10 compliance in other areas of the company.

11 Q. Okay. How many employees do you manage?

12 A. I have 20.

13 Q. Twenty employees.

14 Okay. And how long have you been
15 employed by CrossCountry Mortgage?

16 A. I have been employed there 14 months
17 now.

18 Q. Okay. Are you happy there?

19 A. I am.

20 Q. Okay. Are you seeking new employment or
21 are you looking to remain there?

22 A. I am looking to remain there.

23 Q. Okay. Have you sought employment since
24 you've obtained -- have you sought alternative
25 employment since you were hired by CrossCountry

1 Mortgage?

2 A. I have not.

3 Q. Okay. Where did you work -- well, let
4 me ask you. What is your salary at CrossCountry
5 Mortgage?

6 A. My salary was just recently changed just
7 a couple weeks ago to 90,000.

8 Q. Okay. And what benefits do you -- are
9 you entitled to at CrossCountry?

10 A. I have a full benefits package. That's
11 your major medical, dental, vision, some
12 ancillary products for life insurance, et cetera.

13 Q. Okay. And where did you work prior to
14 CrossCountry?

15 A. Middlefield Bank in Middlefield, Ohio.

16 Q. What did you do for Middlefield?

17 A. I was a branch manager.

18 Q. Okay. And how long did you work there?

19 A. Ninety-one days.

20 Q. Okay. Why did you leave?

21 A. I left because the income and a better
22 opportunity to come aboard to CrossCountry.

23 Q. Okay. So you actually had the job at
24 CrossCountry and you left Middlefield Bank for
25 the CrossCountry job?

1 A. Yes. I took the Middlefield Bank job
2 because I was in a job search and I needed a job,
3 and I continued to look and I moved over to
4 CrossCountry.

5 Q. Okay. When did you start at Middlefield
6 Bank?

7 A. October of -- would it be 2020.

8 (Ms. Arnold entered the deposition.)

9 Q. Okay. So you were out of work, what,
10 about...

11 A. The end of March until October of that
12 year.

13 Q. About six months?

14 A. Correct.

15 Q. Okay. What did you do to find
16 employment? What tools were you using?

17 A. I use every tool available to me. I
18 used Career Builder; I used Facebook; I used
19 Indeed.com, lots of web, you know, web search
20 engines, specifically job boards with the Labor
21 Department and, you know, searched for a job
22 daily. That was the first thing I did each day.

23 Q. Okay. Did you have any offers from
24 Middlefield?

25 A. Prior to Middlefield, is that what you

1 stated?

2 Q. Yes.

3 A. No, I did not have any offers. I had
4 several interviews, but not offers.

5 Q. Okay. Where did you -- do you recall
6 any places that you interviewed with?

7 A. There was a manufacturing company out of
8 Akron that was looking for an operations manager;
9 there was another company, I can't recall the
10 name of it, but it was an operations type of job,
11 management job.

12 Q. What were you looking for? What kind of
13 jobs?

14 A. I was looking for branch managers in the
15 financial world, since I've been in that industry
16 for 30 years. I was looking for operations
17 managers in a bank, a credit union, a financial
18 structure, pretty much anything along the
19 financial realm. I have a vast area of banking
20 and mortgage over the last 30 years, so with
21 management or operations are the two areas of
22 work that I have done the most in.

23 Q. Okay. Did you have interviews with any
24 other banks prior to Middlefield's offer?

25 A. I did not.

1 Q. Okay. What was the -- with COVID and
2 the pandemic, what was it like in the financial
3 field market for employment during those
4 immediate months after COVID hit?

5 A. Well, I think the job market overall was
6 at a standstill because of the unknown of COVID.
7 So it was -- the jobs in general were few and far
8 between for the first few months.

9 Q. Okay. How did, how did the COVID -- it
10 seems like a long time ago, two years ago now,
11 but the -- when we were having the shutdown
12 orders, how did those shutdown orders impact the
13 Ohio banks?

14 A. How did the shutdown orders impact the
15 Ohio banks?

16 Q. Yeah.

17 Well, do you recall what I'm talking
18 about, how Governor DeWine set forth essential
19 businesses, nonessential businesses, and work
20 restrictions for essential businesses?

21 A. So you say banks as a general term. Are
22 you referring to Cardinal or overall banks in
23 general?

24 Q. I'm just asking you in general first.

25 A. Oh, so, in general, personally, I bank

1 with a couple of different banks. We had to use
2 the drive-through and the lobbies were closed for
3 a period of time. Some of the hours were
4 restricted, depending upon what branch. And then
5 the lobbies opened by appointment and they
6 eventually got back to, you know, doing business
7 as usual.

8 Q. Okay. Okay. So as to Cardinal, did the
9 same type of restrictions apply to Cardinal?

10 A. I can tell you that the talks of what
11 was going to happen prior to me being terminated
12 was that we were going to go to an A and B team
13 and the A group would be in certain days and B
14 would be at home, and then they would switch. So
15 they were going to have some work from home and
16 they were going to have some work from the lobby.

17 Q. Okay. I take it that it was expected
18 that customers would not be coming into the
19 branches?

20 A. I believe at that time it was going to
21 either be by appointment only or they were going
22 to do drive-through only.

23 Q. Okay. Do you know what ultimately
24 happened with Cardinal and with respect to how
25 they dealt with the COVID restrictions?

1 A. Do I ultimately know? Is that what
2 you're asking?

3 Q. Yes. Yes.

4 A. I do not.

5 Q. You don't know?

6 A. I do not.

7 Q. Okay. So as to -- or what were your
8 dates of employment at Cardinal?

9 A. December of '18 through March of '20.

10 Q. Okay. And tell me, where did you work
11 immediately prior to Cardinal?

12 A. Prior to Cardinal, I worked for US Bank.

13 Q. Okay. What did you do for US Bank in
14 that capacity?

15 A. In that capacity, I was a branch
16 manager.

17 Q. Okay. How long?

18 A. I was a branch manager for US Bank a
19 couple of different times. That particular time,
20 I had previously to that been the site operations
21 manager for US Bank Home Mortgage, which was
22 located in Rockside, and managed the mortgage
23 group. They had made a decision to take our
24 group and to move it to Minnesota where the
25 headquarters were, so we all lost our jobs there.

1 And so when I lost the position there, I
2 moved over to the branch system where I was the
3 branch manager in the Wilson Mills office. And I
4 believe I was there, I think maybe six months or
5 so.

6 Q. Okay.

7 A. Prior to --

8 Q. I'm sorry.

9 A. Prior to coming over to Cardinal, yes.

10 Q. Did you leave because you found a better
11 job, or why did you leave US Bank?

12 A. I left US Bank because, yes, I had found
13 a better job. It was closer to home and I felt I
14 would be better suited there.

15 Q. Okay. Did you take a pay cut moving
16 from US Bank to Cardinal?

17 A. It was a lateral move.

18 Q. In terms of pay?

19 A. Correct.

20 Q. Okay. Had you been a branch manager
21 prior to the Wilson Mills US Bank location?

22 A. Yes. I've been in banking for 30 years.
23 I have about 15, 16 years of what I call
24 brick-and-mortar branch management, and then I
25 have the remainder in an operations type of job

1 with mortgage, payroll companies, et cetera.

2 Q. Okay. And I guess prior to Wilson
3 Mills, when you were branch manager for six
4 months, when was the time closest to that that
5 you were a branch manager in the past?

6 A. I was an operations manager for US Bank
7 Home Mortgage for four-plus years prior to moving
8 over to the branch.

9 Q. I understand.
10 I'm asking you: When were you a branch
11 manager prior to Wilson Mills?

12 A. So let me think here. It would probably
13 be in the branch setting about six or seven years
14 prior to that.

15 Q. Okay. Six or seven years prior to you
16 being at Wilson Mills as a branch manager?

17 A. Correct.

18 Q. Okay. And where were you a branch
19 manager then?

20 A. It was Regions Bank.

21 Q. Okay. Where were you a branch manager
22 at?

23 A. The location?

24 Q. Yes.

25 A. It was in Grovetown.

1 Q. In where?

2 A. Grovetown.

3 Q. Okay. Where was that?

4 A. Georgia.

5 Q. Okay. And why did you leave that job?

6 A. I left that job for a better opportunity
7 to work with a company called ADP as an
8 operations manager.

9 Q. Okay. How long were you branch manager
10 for Regions Bank?

11 A. I -- gosh. I would say, without having
12 my résumé in front of me, a couple of years.

13 Q. Okay. And when was the time prior to
14 Regions Bank that you were a branch manager?

15 A. I was a branch manager for a bank in
16 Georgia, as well. And I'm trying to remember the
17 name off the top of my head. We're going back
18 quite a few years.

19 Q. Okay.

20 A. It was, it was the same type of
21 situation. The reason I had left there, there
22 was a merger and I had lost my job due to two
23 banks merging.

24 Q. When you lost the prior --

25 A. Yeah. I believe it was Wachovia Bank

1 and I want to say Sun -- Sun something. Anyway,
2 there was a merger and then we lost -- I had lost
3 my job and I went over to Regions.

4 Q. Okay. Okay. As to -- I guess, I guess
5 let me ask you as to just in general as a branch
6 manager. And I'm sure that each bank or credit
7 union you worked for would be a little bit
8 different.

9 But, in general, it would seem to me,
10 from an outsider standpoint, that a branch
11 manager would be I guess an important and
12 potentially difficult job.

13 Would you agree with that?

14 A. Yeah, I would agree with that.

15 Q. And I say that because, one, I'm
16 assuming you have some type of employee
17 supervision, employee management portion of your
18 duties, right?

19 A. Yes.

20 Q. And then, two, I'm assuming you have to
21 make sure that you comply with all of the state
22 and federal banking regulations?

23 A. Correct.

24 Q. And then, three, I'm assuming you're
25 trying to be a profitable bank?

1 A. Correct.

2 Q. Anything else in big picture other than
3 those three?

4 A. I think those are the three targets.

5 Q. Okay. And I'm assuming that not
6 everybody succeeds as a branch manager. You've
7 been in banking for 30 years, but being a branch
8 manager may bring with it -- you could be in a
9 bad branch. You could be in a difficult
10 environment. You could just be -- I guess just
11 have a team that maybe isn't up to par, right?
12 There's lots of --

13 A. Correct.

14 Q. -- factors.

15 So tell me the difference, if you may,
16 just in general, did you -- am I correct as to
17 whether your Wachovia, Regions, Cardinal, or US
18 Bank, that some of the ways of doing business
19 would be different as a branch manager?

20 A. Yes. There are certain differences
21 between a bank overall from a credit union to a
22 bank. Different banks do -- you know, have
23 different programs and the different ways that
24 they manage. Each of them have, you know, their
25 uniqueness, I would say, but similarities, as

1 well.

2 Q. Okay. How about, I guess, the demands
3 on the branch managers? We talked about I think
4 four of them now: Regions, Wachovia, Cardinal,
5 US Bank.

6 Where would Cardinal fall, in your view,
7 as to the demands on a branch manager between
8 those four?

9 A. The demands on the branch manager at
10 Mentor, I mean, it is the district office. It's
11 a large office. So the demands are high. It's
12 busy. Lots of -- a lot -- customer -- a large
13 customer base.

14 Q. Okay.

15 A. We have, you know, anywhere from I
16 believe four to five, you know, employees on your
17 platform and, you know, seven or eight tellers
18 that you're responsible for. So it was a larger
19 branch.

20 Q. Okay. Was it the largest branch that
21 you had managed?

22 A. No. It was about equal to the size I
23 had managed previously in multiple locations.

24 Q. Okay. Where?

25 A. At Wachovia, at US Bank.

1 Q. Okay. Wilson Mills, you would say,
2 would be the same size as the Mentor?

3 A. Yes.

4 Q. Okay. Okay. So how did you find out
5 about the Cardinal position?

6 A. I was referred by an employee that
7 worked there.

8 Q. Okay. Who was that?

9 A. His name was Derrick.

10 Q. Okay. Do you know how to spell Derrick?

11 A. D-E-R-R-I-C-K.

12 Q. Okay. Do you know Derrick's last name?

13 A. I cannot recall, to be honest with you.

14 Q. Okay. What was Derrick's role with
15 Cardinal?

16 A. He was a teller at the time.

17 Q. Okay. Had you worked with him before,
18 or how did you -- how did you know Derrick?

19 A. I knew Derrick through his partner,
20 James Hill.

21 Q. Okay.

22 A. We exercised together.

23 Q. Okay. And what did Derrick tell you?

24 A. He just told me that he heard I was
25 looking for a change of employment and he worked

1 for Cardinal and it was a place he enjoyed
2 working and that he understood they had an
3 opening and they were looking for a branch
4 manager and was happy to pass my résumé along.

5 Q. Okay. Okay. And who did you interview
6 with?

7 A. I interviewed with Mario and Christine.

8 Q. Okay. Who is Mario?

9 A. Mario at the time was the district
10 manager.

11 Q. Okay. What is Mario's last name?

12 A. I couldn't spell it for you, but...

13 Q. Okay. What was his position when you
14 left?

15 A. When I left, Mario was I think a cross
16 between the district and taking over a new role.

17 Q. Okay. And Christine who?

18 A. Christine Blake.

19 Q. Okay. What was her role?

20 A. CEO.

21 Q. Okay. Did you interview with anybody
22 else?

23 A. Cindy, also, the HR rep.

24 Q. Okay. Do you know Cindy's last name?

25 A. I don't recall.

1 Q. Okay. Was Cindy still there when you
2 left?

3 A. She was.

4 Q. Okay. And you were given an offer of
5 employment with Cardinal?

6 A. Correct.

7 Q. Okay. What position were you offered?

8 A. I was offered the branch manager of the
9 Mentor office.

10 Q. Okay. Did you have an understanding of
11 why it was open, why the position was open?

12 A. I don't recall why the position was open
13 when I took on the job.

14 Q. Okay. And approximately when did you
15 start?

16 A. December of '18.

17 Q. Okay. December of 2018, you came in as
18 branch manager of the Mentor branch of Cardinal,
19 right?

20 A. Correct.

21 Q. Okay. And I guess -- tell me about --
22 who did you report to as the branch manager?

23 A. To Mario, the district manager.

24 Q. I'm sorry. Is that the whole time?

25 A. Yes.

1 Q. Your entire tenure?

2 A. Correct.

3 Q. Okay. And then did you have
4 communications with Ms. Blake?

5 A. Yes, I had communications with
6 Ms. Blake.

7 Q. Okay. And then as to Cindy in HR, did
8 you continue to have access to Cindy?

9 A. Yes.

10 Q. Okay. So, tell me, 2019, how did -- how
11 was the year and what did you think about
12 Cardinal?

13 A. How was the year from what perspective?

14 Q. 2019, how was it with Cardinal?

15 A. It was, it was a challenging year from a
16 business perspective, from an employee
17 perspective. There was a changeover with
18 employees, so there were some that had left and
19 we had to -- or we had to terminate and some that
20 we had to rehire. And then some of those ended
21 up leaving, so we ended up the year short
22 multiple employees and bringing on some new
23 employees, as well, that year.

24 Q. Okay. Why all the changeover?

25 A. When I arrived, I was told that, you

1 know, I would sit back and I would kind of assess
2 the staff and, you know, make sure that they were
3 meeting and exceeding the goals for Cardinal.
4 And we had several that were not, and so there
5 were several that were terminated over the course
6 of that time, and which brought, you know, the
7 opportunity to hire on some new individuals.

8 And we also had one that actually
9 resigned and went and worked for another company
10 at that time, as well.

11 Q. Okay. Who was making the decision to
12 discharge the branch employees?

13 A. Well, ultimately, as a manager, I filled
14 out certain paperwork and brought things to the
15 attention of my supervisor and, ultimately, you
16 know, went to HR and was reviewed. And, at the
17 time, it was -- the decision was made to
18 terminate those individuals for, you know,
19 different reasons.

20 Q. Okay. Well, one resigned. Did they
21 resign under threat of potential discharge?

22 A. No. They moved on to a different bank.

23 Q. Okay. And then how many employees were
24 discharged, do you recall, in 2019 from the
25 branch?

1 A. Two. Two, to my knowledge.

2 Q. Okay. Do you recall what positions they
3 held?

4 A. They were loan officers.

5 Q. Okay. And why were they discharged?

6 A. One of them was not meeting the goals
7 that were set. Compliance paperwork was not
8 being turned in properly, falling asleep at his
9 desk multiple times, and had been, you know,
10 talked to several times.

11 Q. Okay. How about the second one?

12 A. The second one was basically the same
13 thing except for sleeping at the desk.

14 Q. Okay. Male or female?

15 A. Male.

16 Q. Okay. Okay. So tell me, tell me a
17 little bit about Cardinal. How many branches
18 when you were hired in 2018 were there?

19 A. Let me think about that for a second.
20 So we had Mentor, Willoughby, Lakeland,
21 Ashtabula, one out in Austintown. I believe
22 five.

23 Q. Okay. Including Mentor?

24 A. Yes. So Mentor, Willoughby, Ashtabula,
25 Lakeland branch, and then Austintown.

1 Q. Okay. Did that -- did the five branches
2 remain the same during your employment?

3 A. Yes.

4 Q. Okay. Any added?

5 A. No.

6 Q. Okay. And as to the branch managers,
7 did any of the branch managers change over in
8 2019?

9 A. 2019, if my memory serves me correct, I
10 believe we changed over Willoughby and we changed
11 over Lakeland, and that would be it.

12 Q. Okay. What do you recall about
13 Willoughby?

14 A. Recall about Willoughby in regards to
15 the manager?

16 Q. Yeah. Who was there and do you know why
17 they were let go?

18 A. I do not know why they were let go. And
19 I -- honestly, I can't remember what the name of
20 the individual was.

21 Q. Okay. Male or female?

22 A. I don't know.

23 Q. You don't know. Okay.

24 How about Lakeland?

25 A. Lakeland, I wasn't aware of the previous

1 manager.

2 Oh, I take it back. I retract that.

3 Yes, a manager of Lakeland was a woman by the
4 name of Gretchen.

5 Q. Okay.

6 A. I can't remember her last name. And
7 then it was, it was taken over by a gentleman by
8 the name of Robert.

9 Q. Okay. Do you know any of the other
10 branch managers in 2019 aside from the Willoughby
11 and Lakeland?

12 A. Meghan was a branch manager in Ashtabula
13 area.

14 Q. Okay.

15 A. And I can't recall the lady's name in
16 Austintown, but it was a female.

17 Q. Okay. So when you came on board, five
18 branches, three or four female branch managers?

19 A. Three, to my knowledge. It would be
20 myself, Meghan, and the Austintown.

21 Q. Okay. And you think the other two were
22 male?

23 A. Well, Gretchen -- Gretchen was actually
24 a female. She was Lakeland's manager. So that
25 would be four.

1 Q. You were hired there --

2 A. Yeah. Willoughby, I was not certain of
3 who was the manager prior to.

4 Q. Okay. So when you were hired, there was
5 at least four female branch managers?

6 A. Correct.

7 Q. Okay. What's the -- like in Mentor, did
8 you have -- was it primarily male staff? What
9 would be the breakdown?

10 A. In regards to the branch staff?

11 Q. Yeah, the branch employees.

12 A. On my platform, I had about 50/50.

13 Q. Okay.

14 A. And on the teller line, all females and
15 one male.

16 Q. Okay. Okay. And so I guess with the
17 banking, did -- would Cardinal -- what would you
18 say primarily -- [unintelligible] -- female
19 employees overall or --

20 THE REPORTER: I'm sorry. Say that
21 again. Primarily...

22 Q. With Cardinal, would you say that
23 Cardinal was primarily -- or not primarily --
24 majority female employees?

25 A. When you say "Cardinal," you're talking

1 about the entire group?

2 Q. Yeah, to your knowledge.

3 A. Myself?

4 Q. Yeah.

5 A. I wouldn't go so far to say "primarily
6 female," no, I would not.

7 Q. And I'd change that to "majority."
8 Would you go so far as to say "majority"?

9 A. I guess that would be a fair assessment,
10 yes.

11 Q. Okay. Okay. So you're hired. What
12 did -- I guess tell me, what did you think of
13 Mario?

14 A. What did I think of Mario?

15 Q. Yeah. Was he a good manager? Bad
16 manager?

17 A. Mario was a busy guy. He was there if
18 you had a question, but he had a lot of
19 responsibility.

20 Q. Okay. A good manager, or no?

21 A. In regards to?

22 Q. I'm just asking you.

23 I mean, was he a -- did you think he was
24 good? Bad? Indifferent? I mean, average?

25 Where would you put him as -- I mean, you've had

1 other managers.

2 A. Sure.

3 Mario -- like I said, Mario was a busy
4 guy. I wouldn't say he was the worst manager
5 I've ever had, but I wouldn't say he was the
6 best.

7 Q. Okay. Go on.

8 A. No. I mean, like I said, I wouldn't say
9 he was the worst and I wouldn't say he was the
10 best.

11 Q. Okay. How about Ms. Blake? Where would
12 you put her as CEO?

13 A. My only dealings with Ms. Blake was on a
14 manager meeting level, for the most part. I
15 really didn't interact with Ms. Blake unless it
16 was a manager's meeting or a meeting of some sort
17 that I was in attendance with.

18 Q. Okay. Got it.

19 What did you think about Ms. Blake with
20 that limited involvement?

21 A. I would say that, you know, she was
22 there to run the credit union and she had very
23 high expectations in regards to our service, as
24 well as our goals. And I always knew where we
25 stood.

1 Q. Okay. And that's where I was going to
2 get to. From an outside point of view, it looks
3 like Ms. Blake and the Cardinal management team
4 are -- they do have high expectations as to
5 customer service; is that a fair assessment?

6 A. I would say in the credit union
7 experience overall.

8 Q. What do you mean by that?

9 A. So when a -- when a member would come
10 into the credit union, you know, the expectation
11 would be that, you know, they had a good
12 experience from the start to the finish. And,
13 you know, from -- the difference between a bank
14 and a credit union, there's many.

15 But, you know, we, we were dealing with
16 members. We weren't dealing with people that
17 were numbers. And, you know, we had a
18 relationship with those individuals. So, yes, it
19 was a more personalized approach.

20 Q. Okay. And that's good.

21 Were there guidelines or expectations as
22 to response time to member questions or concerns?

23 A. Yeah, we had guidelines in regards to
24 concerns or returning phone calls and getting
25 back to our members.

1 Q. What were those? What do you recall?

2 A. Within 24 hours.

3 Q. Okay. Was that something that they just
4 would say, or is that something that they would
5 enforce?

6 A. It really depended on the day, to be
7 honest with you.

8 Q. What do you mean by that?

9 A. Well, I mean, obviously, we want to make
10 sure that we're getting back to our customers as
11 quick as possible and that, you know, we get that
12 answer to them, whether it's via voicemail or
13 you're playing telephone tag. You're making
14 those attempts.

15 The Mentor branch is a very busy branch,
16 so we are with customers or members pretty much
17 from the time we open the door until the time we
18 close the door. So some of those things are done
19 after hours.

20 Q. Okay. But I'm assuming that you do it
21 after hours in order to meet that 24-hour time
22 frame?

23 A. Absolutely, you would.

24 Q. Okay. My question to you is whether
25 management enforced the 24-hour rule or whether

1 it was sort of a statement without any teeth.

2 A. Like I said earlier, I think that could
3 go either way.

4 Q. Okay. And then as to compliance issues,
5 was it -- was that important at Cardinal?

6 A. Compliance was definitely important.
7 Ann Marie was our compliance officer.

8 Q. Okay. Okay. Well, let me -- before we
9 take our first break, I'm going to show you the
10 employee handbook.

11 (Deposition Exhibit 1, Employee
12 Handbook, Bates-labeled Cardinal000001 -
13 89, was marked for purposes of
14 identification.)

15 Q. And just -- do you recall getting a copy
16 of the handbook?

17 A. Yes.

18 Q. Okay. Let me share my screen with you.

19 Okay. It doesn't look like I got the
20 screen. Can you see my screen or are you
21 seeing --

22 A. I do see your screen.

23 Q. Can you see the handbook?

24 A. I see "Employee Handbook 8 of '18."

25 Q. It worked, so I am getting good at this.

1 So I'm going to take you to page 15 of
2 this document and just ask you a little bit about
3 the handbook.

4 Did you actually get a copy of it or
5 were you -- did you just have one at the branch?

6 A. I don't recall if I received a copy, a
7 paper copy or if I had that electronically sent
8 to me.

9 Q. Okay. Okay. I'm assuming you had to
10 answer questions about it?

11 A. I had it as a reference as needed and I
12 also had Cindy if I had a question.

13 Q. Okay. Okay. And then let me ask you --
14 let's go through some of the employment policies.

15 Do you recall the Americans With
16 Disabilities Act policy?

17 A. Sure.

18 Q. Okay. And this is, what, to help you
19 determine if your employees needed
20 accommodations?

21 A. Right, reasonable accommodations
22 within -- you know, to be made for employment
23 purposes.

24 Q. Okay. Did you work with HR if any of
25 those issues came up?

1 A. Yes.

2 Q. Okay. Diversity. What was your
3 understanding, understanding of the diversity
4 policy?

5 A. My understanding is that, you know, we
6 didn't discriminate against any gender, and we
7 hired for specific reasons on talent and not
8 anything else.

9 Q. Okay. Let's continue on.
10 Employment at will, I think we
11 understand that. Let me take you to the Equal
12 Employment Opportunity policy. What did you
13 understand this policy to be?

14 A. Basically, what it says. I mean, equal
15 opportunity employment.

16 Q. Okay.

17 A. For either accommodations or any type
18 of, you know, nondiscriminatory -- all those
19 things.

20 Q. Okay. We see here reporting violations.
21 You understood that you could go to HR or to
22 Ms. Blake or to your manager if there was any
23 issues?

24 A. If I had an issue, I would go to my HR,
25 yes.

1 Q. Okay. Prior to your termination, did
2 you ever complain pursuant to this policy to HR?

3 A. About discrimination?

4 Q. Yes.

5 A. No.

6 Q. Okay. Did any of your employees
7 complain about you, to your knowledge?

8 A. Not to my knowledge.

9 Q. Okay. Got it. Okay.

10 MR. CAMPBELL: Let me take us off that.

11 Okay. Why don't we take a short break.

12 You want to come back at 3:25, Sam and Abbie?

13 Does that work?

14 THE WITNESS: Yes.

15 MR. ROBB: Yes.

16 (A recess was taken.)

17 BY MR. CAMPBELL:

18 Q. Okay. We're back after a short break.

19 Let me ask you: Did anybody during your
20 employment make any, any sex-based comments to
21 you?

22 Do you know what I mean?

23 A. During my employment at Cardinal?

24 Q. Yeah.

25 A. No.

1 Q. Okay. Did anybody make any
2 inappropriate comments to you?

3 A. No.

4 Q. Okay. How was it working at Cardinal?
5 I mean, obviously, we're now after discharge.
6 Prior to the discharge, what did you think of
7 Cardinal?

8 A. I enjoyed working at Cardinal. We had a
9 great team that I had in the Mentor office and we
10 accomplished some great results together during
11 the time I was there.

12 Q. Okay.

13 THE REPORTER: I'm sorry. Could I ask
14 you real quick, you said "prior to the" -- it
15 sounded like "district."

16 What was the word?

17 MR. CAMPBELL: "Discharge."

18 THE REPORTER: Discharge. Thank you.

19 Q. Okay. I'm going to share my screen and
20 show you what will be marked as Exhibit 2.

21 (Deposition Exhibit 2, Plaintiff's
22 Response to Defendant's First Set of
23 First Requests For Production, was
24 marked for purposes of identification.)

25 Q. Okay. Can you see that document?

1 A. Yes.

2 Q. Okay. Do you remember going through
3 some responses to a request for admissions with
4 your counsel?

5 A. Yes.

6 Q. Okay. And I'm just going to roll
7 through some of them. I think we just verified
8 that Cardinal's written policies included an
9 antidiscrimination policy, and you agreed with
10 that, right?

11 A. Yes.

12 Q. And they also prohibited harassment, and
13 you agreed with that, right?

14 A. Correct.

15 Q. Number 3, that you were responsible for
16 enforcing the policy against discrimination, you
17 agree with that?

18 A. Yes.

19 Q. And I take it you were responsible for
20 enforcing, at least in the Mentor branch, that
21 employee handbook, right?

22 A. Yes.

23 Q. Okay. What did you do when -- if you
24 were terminating an employee, did you have to run
25 it by HR?

1 A. Yes. I -- there was a process if we
2 were terminating an employee that we would need
3 to have a conversation with Cindy. Obviously, my
4 district manager would refer me to Cindy 99
5 percent of the time; although, he was aware of
6 whatever I was speaking to Cindy about.

7 Q. Okay.

8 A. And then, based on the recommendations
9 of Cindy, we would make those decisions.

10 Q. Okay. I guess was Cindy there to also
11 verify that the decision was consistent with
12 Cardinal's policies and the law?

13 A. Cindy was HR, so yes.

14 Q. Okay. Was there any discharge or
15 disciplinary decision that you were recommending
16 that Cindy or Mario rejected or asked you to
17 delay?

18 A. No. Any of the recommendations or the
19 write-ups, or whatever we had done, went through
20 that process and it was determined that we would
21 terminate the individuals.

22 Q. Okay. Okay. Got it.

23 So as to the -- well, let me just take
24 you down through this COVID-19. Was there a
25 general reduction in force at Cardinal due to

1 COVID-19?

2 A. I'm sorry. I didn't hear the first part
3 of that.

4 Q. Was there a general reduction in force
5 at Cardinal due to COVID-19?

6 MR. ROBB: I'm going to object, but you
7 can answer the question.

8 A. I know that I lost my job at Cardinal
9 during COVID-19.

10 Q. Okay. Do you know if others did, as
11 well?

12 A. I'm familiar that there were some
13 others, but I don't know how many exactly.

14 Q. Okay. Okay. Does it surprise you that
15 it would include 14 employees?

16 A. Yes.

17 Q. Okay. Why would that be? Why would you
18 be surprised?

19 A. Why would I be surprised that the staff
20 was reduced by 14?

21 Q. Yes.

22 A. Well, because we just talked about the
23 Mentor branch itself being the flagship branch of
24 the Cardinal Credit Union, and so one of the
25 important pieces of that branch is their branch

1 manager and their assistant manager because,
2 specifically, obviously, in times of such COVID,
3 you have to have individuals who are responsible
4 for maintaining the calmness to the branches, as
5 well as having the experience to move through
6 something like that. And they dismissed both of
7 us, so I was surprised, yes.

8 Q. Okay. You're saying that you and
9 your -- you're saying your assistant branch
10 manager were let go?

11 A. Yes, to my knowledge. Yes.

12 Q. Okay. Okay. So you do know at least
13 one other person was let go due to COVID-19?

14 A. Correct.

15 Q. Okay. But my question to you was
16 whether you -- it surprised you that 14 total
17 employees were impacted.

18 A. And my answer was yes, I was surprised.

19 Q. Okay. And, as to your branch, how many
20 other people in your branch, aside from you, were
21 impacted by the COVID-19 reduction?

22 A. I'm not sure other than my assistant
23 branch manager.

24 Q. Okay. Who was your assistant branch
25 manager?

1 A. Jason Riter.

2 Q. Okay. Do you know why Jason was let go?

3 A. No.

4 Q. Okay. So you and Jason were both let go
5 the same day, or how did you find out about it?

6 A. I found out when he called me up and
7 asked me on that Sunday night when I was given
8 the news that I was being reduced due to
9 COVID-19, that I was losing my job by Cindy. I
10 received a phone call from him asking me if I had
11 received a call.

12 Q. Okay. And he told you that he had been
13 let go, as well?

14 A. He did.

15 Q. Okay. Okay. And do you know anybody
16 else who was let go?

17 A. I do not.

18 Q. Okay. So on that -- and I guess I would
19 say, knowing that your assistant branch manager
20 was let go, as well, what made you think that
21 your sex was involved in the decision to select
22 you?

23 A. What made me realize that my sex was the
24 reason I was reduced? Is that what you're
25 stating?

1 Q. Yeah.

2 Or why would you think that if -- I
3 guess I would say, it would be one thing if I was
4 working and I was let go and Andrea became --
5 took over my role, I might say, oh, you know, it
6 was because, you know, they wanted to let go of
7 me and here's my assistant who is all of a sudden
8 becoming the partner.

9 I guess your assistant branch manager
10 was male who was being let go at the same time,
11 so I guess, with those facts, what made you think
12 that your sex could have played a role in the
13 decision?

14 A. Well, it's the decision of that day and
15 many things that, you know, transpired after
16 that.

17 So I would say that I was a female
18 branch manager. I was the only female branch
19 manager, to my knowledge, that was reduced that
20 day. And, as we went down the road, we had male
21 branch managers that were not reduced that
22 were -- had not been with the company as long as
23 I had and were less performing than I was.

24 Q. Okay. Now, how did you know they were
25 less performing?

1 A. Well, because we have Monday meetings at
2 Cardinal where we sat with Christine and the
3 entire management team and we reviewed not only
4 individual goals, but we reviewed branch goals.

5 So it was very visual to all where every
6 one of us stood both via the branch and
7 individually.

8 Q. Okay. Okay. So you'd have those
9 meetings on Mondays.

10 And what made you think that you were
11 outperforming other branch managers?

12 A. My staff and my actual goals and what I
13 was achieving month after month after month.

14 Q. Okay. Okay. And I guess my question to
15 you would be: Was it because the Mentor branch
16 was bigger or was size taken into account?

17 A. So, of course size is taken into
18 account, but I would say, from an individual
19 standpoint, I was the top out of the entire
20 company for 2019 for referred real estate loans.

21 I also did 100-plus percent for my
22 branch for the year 2019, and my goal was a
23 million dollars a month. And so when you're
24 looking at individual goals and branch size, yes,
25 Mentor was larger than any other branch; however,

1 we surpassed our goals.

2 And the impact that Mentor has on
3 Cardinal's bottom line is much greater than what
4 a Willoughby or a Lakeland or, say, an Ashtabula
5 would have, making sure that that goal was met
6 each month. And exceeding that goal is critical
7 to the overall company goal.

8 Q. Okay. Were there female branch managers
9 that were retained after the COVID reduction in
10 force?

11 A. That were retained?

12 Q. Yes, that were not picked to --

13 A. Yes, there were.

14 Q. Okay. How many?

15 A. To my knowledge, Meghan and the
16 Austintown branch manager were both female.

17 Q. Okay. Okay. So -- okay. Let me take
18 you to another exhibit. I'm going to take you to
19 Exhibit 3.

20 (Deposition Exhibit 3, Employee Verbal
21 Warning, Bates-labeled Cardinal000238 -
22 239, was marked for purposes of
23 identification.)

24 Q. Can you see that document on your
25 screen?

1 A. Yes, I see it.

2 Q. Okay. So I'm going to scroll through
3 it, first of all.

4 Have you seen that document before
5 today?

6 A. I have.

7 Q. Okay. Is that your signature on that
8 document?

9 A. It is.

10 Q. Okay. Okay. So why were you given
11 this?

12 A. I'd have to read it specifically.

13 Q. Okay.

14 A. This was a follow-up conversation I
15 think you referenced earlier. So I didn't return
16 this phone call to this particular individual. I
17 received an email from them on December 28th. I
18 didn't follow up until January 4th. That was,
19 obviously, around the holiday time. I had
20 reached out and left this individual a message.
21 And I did have a couple of PTO days, but when
22 this write-up was presented to me, obviously,
23 that wasn't considered.

24 So that's what this write-up is.

25 Q. Okay. It looks like there was previous

1 warnings about this type of issue in 2019?

2 A. That's a coaching. It's a conversation
3 about a phone call. Yes.

4 Q. Okay. About who? Who would have done
5 that, Mario?

6 A. That would have come from Mario.

7 Q. Okay. And those were, what, three
8 coachings where there were items talking about
9 customer service?

10 A. This was -- I don't know, actually,
11 because I don't see the coaching here, so I can't
12 answer that.

13 Q. Okay. Okay. And then the consequences,
14 it looks like, to just verify, it is expected to
15 follow up with member or staff within 24 to 48
16 hours acknowledging communication.

17 Did I read that right?

18 A. Yes. Correct.

19 Q. Additionally, if stating to member of
20 staff that you will respond by a specific date,
21 it is expected to meet deadline.

22 Did I read that correct?

23 A. Correct.

24 Q. Any further discussions will result in
25 further disciplinary action, 30-day probationary

1 effective January 27, 2020.

2 Did I read that right?

3 A. Correct.

4 Q. Okay. Do you know if any other branch
5 managers were on probation?

6 A. It was a common knowledge and it was a
7 common practice that many people at Cardinal were
8 on coaching and write-ups. It's just the way
9 they operated.

10 Q. Okay. So did you take it seriously
11 or -- I don't know how to take that answer. Was
12 it something that you just expected to get or
13 where did it fall?

14 A. It was -- you know, it was honestly
15 something that people expected. It just
16 depended. There was no consistency with it. I
17 didn't return a phone call within the 24 to 48
18 hours. There was -- there were reasonings behind
19 that. I hadn't reached the individual and, yes,
20 I was written up for it. And, you know, so it
21 just depends. Sometimes you were written up for
22 it, sometimes you weren't.

23 Q. Okay. Well, like on this occasion,
24 there was an inspection. Did Mario and the team
25 look through the records of the branch to verify

1 customer service?

2 A. I'm not aware what Mario did to verify
3 the customer service.

4 Q. Okay. How did he find out that there
5 was a delay?

6 A. I don't know.

7 Q. You don't know. Okay.

8 You didn't disagree, though, that you
9 had not spoken to the customer in that amount of
10 time? The member.

11 A. I explained to Mario at that particular
12 time that I had tried to reach out to the member
13 and that I did not get the member. And that I
14 had been off a few days, but none of that
15 mattered.

16 So you sign the form whether you agree
17 or not -- or you don't agree by signing, you
18 know, that you received it.

19 Q. Okay.

20 A. So I signed it. And I didn't agree with
21 it, but I signed it.

22 Q. Okay. But whether you were out or
23 not -- I'm not saying that it wasn't holiday
24 time. You certainly could have asked your
25 assistant manager or somebody else to follow up

1 with that member, right?

2 A. That particular member only wanted to
3 speak with me.

4 Q. Okay. Well, I guess I would say that if
5 you were going to be out, what they're saying is
6 you would say to the member, I'm going to be out
7 for the next two days, can we talk January blank,
8 right?

9 A. I did leave the member a message. I
10 just didn't get to speak to that member.

11 Q. Okay. Okay. Well, I guess you didn't
12 agree with it.

13 I mean, I guess I would say holding the
14 employees up to the response, did you hold your
15 employees up to those, those guidelines and
16 expectations?

17 A. My employees were held to guidelines and
18 expectations; however, there were times that
19 things happened and they didn't make that call.
20 And it didn't mean that they didn't, you know,
21 try to reach a member or to try to reach out. It
22 may have taken a little bit longer.

23 Q. Did you discipline if they failed?

24 A. I followed the policies and procedures
25 of Cardinal, as anybody else would.

1 Q. Does that mean you disciplined them?

2 A. If that was our procedure and they
3 didn't follow it, yes.

4 Q. Okay. Okay. Well, let me take you to
5 the next exhibit, the next document on the
6 screen.

7 A. Yes.

8 Q. Okay. This is going to be marked as
9 Exhibit 4.

10 (Deposition Exhibit 4, Employee Written
11 Warning, Bates-labeled Cardinal000245 -
12 246, was marked for purposes of
13 identification.)

14 Q. And I'll scroll down through. Do you
15 recognize this document?

16 A. Yep. These were some compliance
17 documents that were turned in later than they
18 were supposed to be, which they were to be turned
19 in to our compliance officer. They were turned
20 in later than they were supposed to be. They
21 were in a drawer, and our staff for the day had
22 not literally picked them up and put them where
23 they needed to belong and I was disciplined for
24 that.

25 Q. Okay. Well, it looks like account cards

1 were to be submitted at deadline --

2 [unintelligible]

3 THE REPORTER: I'm sorry. It looks
4 like...

5 Q. It looks like the account cards were
6 located -- had a deadline for December and
7 January and February.

8 Did I read that right?

9 A. Yes, you are reading that accurately.

10 Q. Is that accurate or no?

11 A. That's what it says. It's accurate,
12 yes.

13 Q. Okay. And this random inspection, what
14 did they -- tell me about those.

15 A. So account cards were turned in -- what
16 this means is that there was an account card that
17 someone had not turned in, so meaning that not
18 all -- it wasn't like all the account cards did
19 not get turned in. The account cards got turned
20 in, but someone had an account card missing, or
21 they still had it for December, January, and
22 February. So that's what that means.

23 Q. Okay. How about they weren't audited?
24 What does that mean?

25 A. Meaning that because an employee

1 potentially had an account card on their desk and
2 it didn't make it into the group, then it didn't
3 get audited by Ann Marie in the timely basis that
4 it needed to.

5 Q. Okay. Was that something that you
6 required your employees to do, or should have?

7 A. It's something that we require the
8 employees to do. But you may remember the
9 conversation we had a little earlier about that
10 particular time frame where we had quite a bit of
11 rollover in staff and we had new staff that was
12 on board. So part of that was a learning curve,
13 as well. Part of that was left over from staff
14 members that didn't complete things properly that
15 were there.

16 Q. Okay. It looks like you were placed on
17 now a 60-day probationary period from February
18 19th.

19 A. Correct.

20 Q. Okay. Do you -- and you signed that
21 document, right?

22 A. Yep.

23 Q. And I take it that -- is that something
24 that you considered normal again, or where did
25 this fall?

1 A. I felt that this particular write-up
2 was -- it was, it was, it was unnecessary based
3 on the branch and what it had recently gone
4 through, with the rotation of staff members that
5 had been terminated, with new staff members that
6 had come on, and with the remainder of staff
7 members I had trying to manage the Mentor members
8 in accordance to what we do each day and making
9 sure that we got through all of the requests.

10 So, unfortunately, there were several
11 that were missed and I was written up over it.

12 Q. Okay. I guess I would say if you're
13 dealing with new employees or employee turnover,
14 wouldn't that make your job and the assistant
15 manager's jobs that much more important?

16 A. Our, our jobs are very important, and
17 the important piece of that job was waiting on
18 the staff members -- or the members that were in
19 front of us to get those loan applications
20 through, to answer their questions, to deal with
21 the checking accounts or the savings account.

22 So we were member-focused and
23 member-facing, and so our time at that particular
24 time was spent making sure that all the members
25 were serviced because we were down multiple staff

1 members in that area.

2 Q. Okay. I guess what I'm getting at is,
3 if there was new employees, it would seem to me
4 that you and the assistant manager would be
5 really making sure the employees were doing --
6 following the procedures and being onboarded
7 correctly?

8 A. That's all part of the job. Correct.

9 Q. Okay. It seems like you are saying that
10 because there were new employees, that it should
11 be I guess not considered or discounted.

12 Is that what I'm hearing?

13 A. Well, no, not discounted because most of
14 that was cleanup from employees that were exited,
15 that had been terminated, and so there was stuff
16 left behind and -- that had to be gone through.
17 And, you know, there were messes that needed to
18 be cleaned up, and so some of that fell within
19 those parameters.

20 Q. Okay. Was your assistant manager
21 disciplined, as well, for these events?

22 A. No, he was not.

23 Q. Okay. How do you know that?

24 A. Because I was disciplined as the branch
25 manager.

1 Q. Okay. You don't know if he got the same
2 type or anything along those lines?

3 A. He did not.

4 Q. He did not. Okay.

5 Did you think that the two pieces of
6 discipline were discriminatory?

7 A. No.

8 Q. Okay. Do you know of anybody else who
9 actually had been put on, I guess, put on -- any
10 other branch manager who was put on a 60-day
11 probationary period?

12 A. I don't know anyone specifically. It
13 was well known that it was a common occurrence
14 within Cardinal for people to be written up for
15 things of this nature.

16 Q. But you don't know of any -- you can't
17 point to anybody that has happened to?

18 A. Correct.

19 Q. Do you know if -- when COVID hit, if any
20 other branch managers were on a probationary
21 period?

22 A. I do not.

23 Q. Okay. Okay. Well, let me ask you --
24 and why don't we -- I'm going to share my screen
25 again.

1 (Deposition Exhibit 5, Termination
2 letter, Bates-labeled Shibe000007, was
3 marked for purposes of identification.)

4 Q. Okay. Can you see that letter?

5 A. Yes.

6 Q. Okay. So how did you get this letter?
7 Well, I guess, first of all, do you recognize it?

8 A. Yes, I do recognize the letter.

9 Q. Okay. How did you get this? Was it
10 handed to you? Mailed to you? How did you get
11 notice?

12 A. I received the original notice on a
13 Sunday evening about 7:00 from Cindy in HR via
14 telephone call, calling me. I could hardly
15 understand her. She was sobbing to tell me that
16 I was being released due to COVID-19, staff
17 reduction, and that I needed to listen to this
18 paragraph she needed to read me. And she was
19 very sorry and she hung up.

20 And she told me not to report on Monday;
21 that my job had been -- you know, I was out of a
22 job due to COVID-19 and that's why I was being
23 released.

24 Q. Okay.

25 A. I received this in the mail I think a

1 few days later.

2 Q. Okay. It sounds like Cindy either liked
3 you or was upset by the need to do a reduction
4 with being faced with COVID?

5 A. I'm not sure. I think she was very
6 upset to have to make phone calls on a Sunday
7 evening to let people know that they were being
8 reduced due to COVID-19.

9 Q. Okay. Okay. Well, I guess I would say,
10 did you have a good relationship with Cindy?

11 A. Cindy and I worked well together with
12 the items that, you know, we worked together over
13 the, you know, time I was there, yes.

14 Q. Okay. Okay. And then do you know who
15 made this decision?

16 A. I don't know who made the decision.

17 Q. Okay. Okay. And with COVID-19, do you
18 know if it impacted -- if it would have
19 necessitated a reduction because the members were
20 not visiting the branches?

21 A. If you were to ask me, I would say it
22 would have been even more important to have
23 leadership and your manager there guiding your
24 staff with the changes that were being faced with
25 the branch and how we were going to operate due

1 to COVID, whether that be via drive-through, by
2 appointment only, making outbound phone calls, or
3 just, you know, keeping calm to the water. I
4 would absolutely think you would need your leader
5 there to support that.

6 Q. Okay. Well, that's a different question
7 than what I asked you. I was asking initially --
8 sorry. Initially, I was asking you about whether
9 the members not visiting the branch would
10 potentially impact the man- -- I guess the FTEs
11 needed in order to staff the branch.

12 A. Well, when you look at COVID-19 -- and
13 no one knew exactly how long that was going to
14 last or what that looked like or how long
15 anything would be changed within the structure.
16 And, due to those changes, that could create
17 additional work for everyone to make sure that
18 our members were still taken care of in whatever
19 modified ways that we were doing that.

20 Q. Okay. Well --

21 A. I did not expect for them to reduce the
22 staff to that level.

23 Q. Okay. Well, certainly, I can tell you
24 that -- I mean, it was a shock to my system
25 looking and seeing the government shutting down

1 businesses and many businesses not open.

2 That didn't, didn't surprise you or
3 shock you as a branch manager, looking at the
4 world and having uncertainties?

5 A. Well, as an essential employee in a
6 workforce where we didn't close, to your point
7 earlier, it did shock me that we were taking key
8 people out of the branch to not be able to manage
9 through what was happening in the world, to your
10 point. So yes, it did shock me.

11 Q. And, again, my question to you, Ms.
12 Shibe, was more to the point of -- I mean,
13 this -- we can agree that this was unique.

14 Certainly, in the last 30 years of your
15 banking experience, you've never had the federal
16 and state government coming in to say, hey, we're
17 going to shut down businesses --
18 [unintelligible] -- right?

19 A. I'm sorry. You broke up at the end
20 there.

21 Q. Over your 30 years in banking, have you
22 ever had a situation where state or federal
23 governments have come in and shut down many
24 businesses indefinitely?

25 A. I have not.

1 Q. Okay. And my question to you is just
2 simply not whether you thought you were important
3 to the process, but you wouldn't look at this
4 with much uncertainty if you were the CEO of
5 Cardinal and say where's the business going to go
6 in two months or three months?

7 A. That's not a decision that I made.
8 So...

9 Q. I'm not asking you whether you made the
10 decision. I guess I'm asking you -- I mean, you
11 were seeking out employment. It sounded like you
12 agree that many of the financial institutions
13 were not hiring due to the fact of the
14 significant impact COVID had on them and their
15 customers' operations, right?

16 A. Well, the funny thing is that, you know,
17 I would agree with you except Cardinal, 60 days
18 later, posted my position out there on the
19 website recruiting a branch manager for the
20 Mentor facility.

21 Q. Okay. Well, most certainly -- I guess I
22 would say May 15th and March 15th were two very
23 different days in 2020, were they not?

24 A. What I said was that they posted the
25 position for someone to take the place of the

1 branch manager in Mentor 60 days later on their
2 website.

3 Q. Well, and what I'm saying to you is, the
4 difference between March 15th when the world was
5 shutting down and May 15th when the world was
6 starting to reopen were very different times in
7 the life span of a business in 2020, right?

8 A. I don't know where you're getting --

9 MR. ROBB: Objection. Objection, but
10 you can answer, Abbie.

11 A. I don't know where you're getting March
12 to May. I was referring to 60 days from the end
13 of March when I was released to the position
14 of -- my branch management position being posted
15 looking for a replacement 60 days later on the
16 website.

17 So I'm not sure where May comes in. I
18 know that they did permanently put someone in
19 that position in May, but that was posted for
20 hire 60 days later.

21 Q. You're saying 60 days after somebody
22 went in in May. I don't understand what --

23 A. No, no. Sixty days after I lost my job
24 due to COVID-19, Cardinal advertised my job, the
25 Mentor branch manager, looking for a replacement

1 on their website.

2 Q. Okay. And what I was saying to you, Ms.
3 Shibe, was real simple.

4 On March 15th, or at the end of March,
5 we were going into a very uncertain time; would
6 you not agree with that?

7 A. I'd agree.

8 Q. Okay. And by the time the 60 days came
9 up -- and you're saying it was the end of March,
10 so we're talking June. In June in Ohio, many
11 businesses were reopening. In fact, I believe
12 most businesses were reopened by that time,
13 right?

14 MR. ROBB: Objection. You can answer.

15 A. I don't know whether most businesses
16 were opened or not as a whole.

17 Q. Okay. You weren't paying attention to
18 the market and what was going on with respect
19 to -- with respect to the openings of businesses
20 if you were seeking alternative employment?

21 A. I was seeking my employment through
22 the -- I was seeking my employment through the
23 computer. I didn't go to many places because I
24 was focused on looking for a job. And my income
25 was very much reduced on unemployment, so I was

1 not out visiting any businesses.

2 Q. Okay. Well, I didn't ask whether you
3 were visiting. I was wondering if you were
4 paying attention to the progression of the
5 shutdown orders.

6 A. What is your question?

7 Q. Well, my question is: Did you have an
8 understanding that on March 15th, many businesses
9 were shut down by the State of Ohio, and that by
10 the time --

11 A. I'm aware --

12 Q. -- June 15th came around, most of those
13 businesses were reopened, right?

14 MR. ROBB: Objection. You can answer.

15 A. I don't have knowledge whether most of
16 those businesses were open.

17 Q. Okay. How about if most of those
18 businesses were permitted by law to be reopened?

19 A. I do know that, you know, we were
20 progressing and making changes, you know, during
21 that period of time but, again, I don't know if
22 it was the majority.

23 Q. Okay. Okay. Well, let me ask you this.
24 I mean, I understand that you may believe your
25 position was different than other positions.

1 Do you agree or disagree that heading
2 into COVID-19 and seeing many businesses shut
3 down by law, that that may necessitate in a CEO's
4 mind, hey, we should reduce staff in order to
5 maintain the profitability of the credit union?

6 MR. ROBB: Objection. You can answer.

7 A. I was reduced in staff. I was released
8 from Cardinal due to COVID-19. Do I agree with
9 that? I do not agree with that. Was it
10 necessary? I'm not a CEO, so I don't know.

11 Q. My question isn't whether your position
12 was necessary.

13 My question is: You're the CEO looking
14 at the fact that many of your credit union
15 members may not be working; that your branches
16 are not going to have individuals coming into the
17 branch; that you don't know what tomorrow is
18 going to be. Do you agree or disagree that a
19 reduction of force at a credit union would make
20 business sense?

21 MR. ROBB: I'm going to object again,
22 and you can answer.

23 A. I don't have enough facts as of -- to
24 what determining factors Christine or anyone else
25 looked at during that course, so I don't know.

1 Q. Isn't a credit union, I guess I would
2 say a little different, as you point out, that
3 the members are essentially the owners of that
4 credit union, right?

5 A. Correct.

6 Q. And, I mean, the members are making
7 certain -- I mean, that's part of the reason why
8 they had high expectations of customer service,
9 because, essentially, your owners are coming in
10 and you want to make sure your owners are happy,
11 right?

12 A. Correct.

13 Q. And then, as to the bottom line, it's
14 not like you're sitting there with reserves and
15 we can go into the red or we can lose money. I
16 mean, this is a credit union that has to make
17 certain it's there for its members, right?

18 A. Which is exactly my point. Yes. During
19 times like this, COVID-19, you would need your
20 leaders in place to make sure that your members
21 were taken care of in whatever capacity we could
22 take care of them, whether that be via the
23 drive-through or via an appointment or whatever
24 the changes needed to be made during the times
25 that we were in.

1 Q. Well, that would be a -- I'm sure a
2 great luxury for everybody to have unlimited
3 funds and to be able to say, hey, we're not only
4 going to keep our staff, but we're going to
5 increase the staff, right?

6 But you also -- you have competing
7 aspects. You have fewer customers or no
8 customers coming into the branch, right?

9 A. I don't know. I wasn't there.

10 Q. Okay. You don't know about the banks?
11 You didn't keep track on how the banks were
12 impacted? If you were seeking employment, how
13 COVID was impacting the banks?

14 A. How COVID was impacting the banks and
15 the positions that were available, you know,
16 those are two different things. I mean, there
17 were people -- places that were hiring such as
18 Cardinal. It had advertisements out there, so
19 yes --

20 Q. Okay.

21 A. -- I am aware.

22 Q. Okay. Well, I take it you, you think
23 that if the customers weren't visiting the
24 branch, that your branch would be busier; is that
25 what you're telling me?

1 A. So if the customers aren't coming into
2 the branch but they have things that need to be
3 taken care of or they have needs, they're going
4 to have to do that over the phone. They're going
5 to have to do that via the drive-through.
6 They're going to have to do that via scheduled
7 appointment.

8 There were all different ways that the
9 customers -- just because we had COVID and we had
10 shutdown didn't mean that the banking or the
11 needs of our members stopped. We had to find
12 flexible solutions to be able to service our
13 customers during those particular times.

14 Same as the branch that I particularly
15 bank at, my own personal bank. You know, the
16 world didn't stop. We just changed as to how we
17 had to deal with our members and with banking in
18 general for that period of time.

19 Q. I guess let me ask you. I mean, here
20 you come. You certainly prior to -- when were
21 you terminated?

22 A. I was terminated on March 22nd.

23 Q. Okay. So on March 22nd. And, by that
24 time, there had already been business closures
25 for about a week, right?

1 A. Yes. Things were starting to change in
2 that period.

3 Q. Okay. Were you as branch manager
4 thinking about, hey, I may need to reduce staff
5 or I may need to reduce cost, how am I going to
6 do that? Were you thinking in that fashion?

7 A. No, because my CEO was coming up with
8 plans as of to how we were going to be proactive
9 and how we were going to manage those members and
10 keep our staff in place by creating an A team and
11 a B team. And some would work at home partially
12 and the others would be in the branch. And there
13 were other duties that were being set aside for
14 the other individuals to keep them working.

15 Q. Okay. I guess I would say -- I guess I
16 would say I am surprised that you, as a branch
17 manager, where you -- it sounds like you were
18 responsible for the ultimate performance of the
19 branch, right?

20 A. I was responsible for the ultimate
21 performance of the branch, not the company.

22 Q. Okay. Understood.

23 But it would seem to me that a branch
24 manager seeing this -- and I can't imagine you
25 would disagree with this -- see this unique

1 hopefully once-in-a-lifetime experience here and
2 you're not thinking, what am I going to do to go
3 to my CEO and say, you know what, I'm being
4 proactive and I think we can reduce head count.
5 I think we can reduce hours. You weren't
6 thinking at all about that?

7 A. That wasn't my job because Christine, as
8 the CEO, had already come into play and had made
9 the changes in the plans and put it in place so
10 that she could retain the employees, as well as
11 the member service. And that's where she came up
12 with the A and the B team that went into effect
13 the Monday after I was terminated on the Sunday.

14 Q. Okay. Let me share my screen again.
15 (Deposition Exhibit 6, List of
16 additional employees terminated,
17 Bates-labeled Cardinal000269, was marked
18 for purposes of identification.)

19 Q. Okay. Can you see this document?

20 A. Yes.

21 Q. Okay. So it looks like here -- and I'm
22 going to represent to you that these are all of
23 the employees who were impacted by the COVID-19
24 March reduction.

25 Do you recognize any of these names?

1 A. I do.

2 Q. Okay. And who -- which one is your
3 assistant branch manager?

4 A. Jason Riter.

5 Q. Okay. Jason Riter.

6 And he's listed as loan officer. Was
7 that the wrong title?

8 A. He was the assistant manager, but yes.

9 Q. Okay. Anybody else from your branch?

10 A. Rona Snyder.

11 Q. Okay. Anybody else?

12 A. Rachel Spiker was a float. She was a
13 float to my branch and other branches.

14 Q. Okay. Anybody else?

15 A. Gil, Gilbert Vignero.

16 Q. Okay. What was Gil's position?

17 A. He was a loan officer.

18 Q. Okay. Anybody else?

19 A. Audrey Rasmussen was a part-time teller.

20 Q. At your branch?

21 A. Correct.

22 Q. Okay. Anybody else?

23 A. Kaitlin Stenger was a seasonal worker at
24 Mentor.

25 Q. Okay. So it looks to me that Mentor was

1 the largest branch and took probably the largest
2 hit, maybe not percentage-wise, but in terms of
3 position eliminations.

4 Do you agree or disagree?

5 A. I would agree.

6 Q. Okay. And it looks to me that
7 Ms. Blake was looking at this with the number of
8 tellers being let go, that Ms. Blake was thinking
9 that the number of customer hours in the branches
10 was going to be reduced.

11 Do you agree or disagree with that?

12 A. I don't know what Ms. Blake was thinking
13 when she reduced the tellers.

14 Q. Okay. Well, certainly, if she was
15 reducing that many tellers, it would seem to me
16 that Ms. Blake was thinking that the customer
17 flow and amount of work for the tellers was going
18 to be drastically reduced, right?

19 A. I don't know.

20 MR. ROBB: Objection.

21 Q. Okay. Well, you're saying -- it sounds
22 to me as if you were deferring entirely to
23 Ms. Blake, right?

24 A. What I was stating -- you stated to me
25 earlier that you were surprised as a branch

1 manager I was not proactive in identifying that
2 we needed to reduce staff.

3 We also stated that -- and it was
4 something that we've never experienced ever going
5 through a shutdown of this nature. So what I
6 stated to you was that Ms. Blake, as the CEO of
7 Cardinal Credit Union, had come up with a plan
8 that she was going to, you know, put into motion,
9 and that was to divide the branches into A and B
10 teams, keeping us half at home working and the
11 other half in the office. And that, as the CEO,
12 was her plan.

13 Q. Okay. Well, that was I guess one
14 portion of the plan because she had to also deal
15 with the six-foot rule, right?

16 A. Well, that was, that was, that was the
17 reasoning in dealing with the six-foot rule. So
18 half the staff was in the branch, the A team half
19 the week, the Bs were at home doing other things,
20 then Bs came into the branch and As went home.

21 Q. Okay. So she -- she's thinking about,
22 okay, I've got a six-foot rule; number two, we
23 are allowed to stay open because we're an
24 essential business; and, number three, now I need
25 to see how this COVID shutdown is going to impact

1 our business, right?

2 A. If that's how she looked at it, yes.

3 Q. Well, wouldn't you expect that?

4 I mean, would you not expect if all of
5 your members are -- or the vast majority of your
6 members were being laid off, you know, furloughed
7 or laid off, that would seem to be a pretty big
8 issue for the branch, right, for the bank?

9 A. Well, you know, one of the things that,
10 you know, transpired when all of your members are
11 laid off or furloughed, they're going to be
12 looking for programs to defer payments. They're
13 going to be looking for extensions. They're
14 going to be looking for services throughout the
15 bank.

16 So, you know, on the flip side, it's
17 going to increase your traffic and your phone
18 calls because your members are going to need help
19 because they're not working, and they're going to
20 want to make sure that they -- that Cardinal
21 could provide that.

22 I know that for first off, I had to
23 defer and utilize that program on a loan that I
24 had and I had to fill out some paperwork and I
25 had to speak to somebody on the phone. And I am

1 quite sure I wasn't the only one that had to do
2 that.

3 Q. Okay. Like I said, it would be great to
4 be able to have unlimited resources and keep
5 everybody on board and to have no reduction or
6 even have more people to service those members.
7 But, at the end of the day, when the members are
8 losing their jobs and businesses are not open,
9 that could have an impact on a credit union,
10 right?

11 A. It could.

12 Q. Okay. I mean -- and you have to protect
13 the members' assets, right?

14 A. I don't -- I'm not a CEO, so I don't
15 know all the decision pieces that Ms. Blake
16 looked at when she made those decisions.

17 Q. Okay. Okay. Well, assuming that that
18 list is the complete list, obviously, there was a
19 lot of positions that were impacted by the
20 reduction of force, right?

21 A. Yes.

22 Q. Okay. And do you know why Ms. Blake
23 chose your position to be eliminated?

24 A. I do not.

25 Q. Okay. Why would Ms. Blake look at your

1 sex when making the decision? Why do you think
2 Ms. Blake would, as being a female CEO, would
3 somehow decide she wanted to eliminate somebody
4 because they were female?

5 A. Well, I would -- if I was the CEO, CEO
6 and I was looking at all of those things, I would
7 say this: The only person that was a female
8 manager that was released was myself in the list
9 that you just provided.

10 Q. Okay.

11 A. So the fact that my performance had been
12 what it was, managing the flagstar [sic] branch
13 of Cardinal, and the fact that Ms. Blake also
14 published my job 60 days later after she reduced
15 it due to COVID-19 and then filled it with a
16 less-performing male, that would tell me that I
17 was discriminated against.

18 Q. Okay. Well, my question to you is: Why
19 would Ms. Shibe -- or not Ms. Shibe -- Ms. Blake,
20 a female CEO, decide she wanted to discriminate
21 against you because you're female?

22 A. I don't know why Ms. --

23 MR. ROBB: Objection.

24 A. -- Blake made that decision. I don't
25 know when Ms. Blake made that decision.

1 Q. Okay. Well, I mean, that does seem a
2 little odd, right?

3 MR. ROBB: Objection. You can answer.

4 A. Again, I don't know why Ms. Blake made
5 that decision.

6 Q. Okay. Well, I guess I would say, you're
7 alleging that Ms. Blake made the decision because
8 of your sex, and I'm asking you, what makes you
9 believe that?

10 A. I guess I'll repeat what I just went
11 over.

12 So of your list, I was the only female
13 branch manager that was reduced that same -- for
14 the specific reason for COVID-19. And that
15 particular position was reposted 60 days later
16 and it was filled with a less-performing male.

17 Q. Okay. And I guess I would say it's one
18 thing to disagree, okay? Anybody can -- it's
19 natural and it makes sense and -- hey, I don't
20 think that I agree with that decision. I mean,
21 there's lots of decisions at law firms that, if I
22 were making them, I might make it differently,
23 but that doesn't mean that the decisions were due
24 to my race or my sex or my age. It may be that I
25 just disagree and it wasn't the right decision.

1 Where would you put Ms. Blake's decision
2 as to eliminating your position?

3 A. I would say my position -- I was
4 eliminated and I was discriminated against based
5 on my sex.

6 Q. Okay. So you stand by that you think
7 Ms. Blake picked your position to eliminate
8 because of your sex?

9 A. Yes.

10 Q. Okay. Okay. And so with respect to
11 that, I guess -- your assistant manager was let
12 go. Would that not seem to signal you that -- to
13 you that Ms. Blake did not think your branch was
14 performing as well as you believed it was?

15 A. Well, my performance -- I was not
16 released due to performance. In fact, my
17 performance was stellar in 2019 into 2020, so
18 much that Ms. Blake gave me a review on February,
19 the middle of February 2020, gave me a good
20 review with raving results of my performance and
21 gave me a bonus less than one month before she
22 terminated me.

23 And I was invited to a best-of-the-best
24 awards dinner with the director of lending in
25 February with all of the top performers for the

1 year of 2019.

2 Q. Okay. Well, let me ask. Would it
3 surprise you that there was no branch manager in
4 Mentor from the date of your separation until
5 April 27th, 2020?

6 A. Does it surprise me?

7 Q. Yes.

8 A. No, it doesn't surprise me.

9 Q. Okay. So it would seem to me that --
10 I'm assuming that Mario and others in management
11 stepped in to manage the branch, right?

12 A. I have no idea. I was not there.

13 Q. Okay. Well, certainly, that, that
14 aspect of it would save money and would let
15 headquarters be focused on their, their primary
16 flagship branch, right?

17 A. If that's what happened. Again, I don't
18 know. I was not there.

19 Q. Okay. Well, I'm just asking you.

20 And then Jonathan Livingston, who is
21 Jonathan Livingston?

22 A. I have no idea.

23 Q. Okay. You don't recall him being a
24 branch manager? Or a district manager. I'm
25 sorry.

1 A. Jonathan -- Jonathan Livingston?

2 Q. Yes.

3 A. Jonathan -- Jonathan Livingston, if my
4 memory serves me correct, was the individual that
5 for a very brief moment took over Mario's job and
6 then left to go back to his original job.

7 Q. Okay. What was his original job?

8 A. He worked for KeyBank, I believe.

9 Q. Okay. Do you understand that
10 Mr. Livingston, for a very brief period of time,
11 took over the Mentor branch manager duties from
12 Mario?

13 A. I have no knowledge of that.

14 Q. Okay. And then, finally, Jared Furnia,
15 who is Jared Furnia?

16 A. Jared Furnia, when I worked for
17 Cardinal, was the Willoughby branch manager.

18 Q. Okay. And did you understand that Jared
19 eventually took the Mentor branch manager spot?

20 A. I do.

21 Q. Okay. Okay. And so that was not until
22 May of 2020, correct?

23 A. From what I understand, Jared officially
24 took that job in May of 2020 but was there much
25 earlier than that.

1 Q. Okay. And then, as to the other
2 branches, with respect to the other branch,
3 branch managers when you were let go, there was
4 Audrey Blews? B-L-E-W-S.

5 A. Yes.

6 Q. Okay. Meghan Berkman?

7 A. Correct.

8 Q. And then Rob Petrie?

9 A. Correct.

10 Q. Where was Rob the branch manager?

11 A. Lakeland College.

12 Q. Lakeland College.

13 Was Lakeland shut down, do you know?

14 A. I have no knowledge of that.

15 Q. Okay. Would it surprise you that the
16 Lakeland branch was actually shut down?

17 A. Would it surprise me? No, it wouldn't
18 surprise me. Huh-uh.

19 Q. Okay. Did you understand that it was
20 shut down due to COVID?

21 A. I had no knowledge that it was shut down
22 or if it was operating, you know, via a different
23 capacity. I have no idea.

24 MR. CAMPBELL: Okay. Okay. Why don't
25 we take a short break. Why don't we come back at

1 4:30, then we'll wrap up probably about 5:00.

2 Does that work?

3 THE WITNESS: That works.

4 MR. ROBB: One quick question, Dave.

5 Did you admit the list of terminated employees in
6 as an exhibit?

7 MR. CAMPBELL: Yeah. Yeah. That's
8 Exhibit 6.

9 MR. ROBB: 6. Okay. I just wanted to
10 be sure for my records. I missed that.

11 MR. CAMPBELL: Okay. I'll email them to
12 you afterward.

13 Okay. We'll be back in 11 minutes.

14 (A recess was taken.)

15 BY MR. CAMPBELL:

16 Q. Okay. I think we're almost wrapped up
17 here. I just have a little bit to finalize.

18 Okay. So I guess I would say this:
19 With your knowledge of the banking industry, did
20 other banks around Northeast Ohio and Ohio go
21 through reductions in forces during COVID?

22 A. I have no knowledge whether they went
23 into a reduction of forces. The only thing I can
24 say from my personal understanding is they
25 changed some ways that they did business. But,

1 as far as reducing their staff, I have no
2 knowledge of that.

3 Q. You don't. Okay.

4 You do have knowledge that they weren't
5 necessarily hiring as much after COVID, at least
6 for the first six months or so?

7 A. Correct.

8 Q. Okay. What did -- I know you were only
9 there for 91 days. Where were you at your first,
10 first job after --

11 A. Middlefield Bank.

12 Q. Okay. What did Middlefield do during
13 the, during the shutdown?

14 A. We were open completely, branches
15 interior and exterior. We had a requirement for
16 masks. We had a drive-through that operated as
17 normal and the interior of the bank operated as
18 normal, as well, with the loan officers and the
19 manager and the assistant, you know, in the same
20 capacity as we were.

21 Their difference was the mask mandate.
22 We had a reduction of the amount of people that
23 we were allowed to have in the lobby at any given
24 time based on the space of each individual
25 branch. My particular branch was 13, so we could

1 have 13 people. We had a process where we marked
2 out the floor so that when they came in, they
3 knew where they could stand. And we monitored
4 the doors on busy days to allow individuals in to
5 adhere to that 13 in the lobby at any given time.

6 Q. Okay. I'm talking about are you
7 familiar with what Middlefield did when COVID
8 hit. Did they have a reduction? Did they stop
9 hiring? What did they do?

10 A. I was working at Middlefield during that
11 period and I was hired in still full COVID.

12 So what they did was mask mandate and
13 reduced amount of individuals allowed in branches
14 at any given time.

15 Q. Okay. But you weren't there on March
16 15th. I mean, so my question is: Do you know if
17 they did a reduction? Did they stop hiring, or
18 did they just go business as usual?

19 A. I'm not aware what they did on March
20 15th because I was not there.

21 Q. Okay. Okay. And then, as to
22 Cardinal -- I guess I take it you were surprised
23 by the, by the phone call eliminating your
24 position?

25 A. I was surprised by the phone call about

1 eliminating my position because of the meeting
2 that we had just had on Friday with Ms. Blake
3 that had put a plan in place to divide the
4 branches and the teams up to that A and B team I
5 spoke about earlier.

6 Q. Okay. Well, and I guess I would say
7 that plan most certainly wasn't just -- it wasn't
8 necessarily deciding -- well, let me take a step
9 back.

10 The plan was there to make sure that the
11 six-foot rule was complied with, right?

12 A. That was the only plan I was aware of on
13 Friday when the word came down that we were
14 dividing staff in order to continue to service
15 our members and to meet that six-foot rule, to
16 your point.

17 Q. Okay. Okay. And so she -- she
18 announced the way that you were going to handle
19 the six-foot rule, which obviously was different,
20 right, as to how you were going to be servicing
21 customers, right?

22 A. Correct.

23 Q. Okay. So that was announced.

24 And did she say anything about
25 reductions in force or anything like that?

1 A. She did not.

2 Q. Okay. Okay. And so -- and I guess, I
3 guess with that said, do you know if any of the
4 other branch managers were on probation at the
5 time of the reduction in force?

6 A. I do not.

7 Q. Okay. If you were told you were the
8 only one on probation at that time, would that
9 impact your decision as to whether Ms. Blake
10 selected your role based on your sex?

11 A. It would, it would not impact the way I
12 feel or my decision on the sex aspect of that
13 because I wasn't -- you know, I was -- I wasn't
14 released due to my performance. I was released
15 due to COVID-19.

16 Q. Okay. Well, that makes sense, but you
17 don't think that, that they were looking at the
18 branch managers, that they couldn't, that they
19 couldn't maybe look at --

20 For example, one of the branches -- and
21 I take it that you agree, one of the branches
22 shut down, right?

23 A. Which branch are you referring to?

24 Q. I believe we said Lakeland had shut
25 down.

1 A. Yeah, not to my knowledge. But I think
2 you said that Lakeland had shut down during the
3 COVID -- I'm not aware that they did or that they
4 didn't.

5 Q. Okay. Well, I guess I would say if they
6 were eliminating a branch manager role and
7 somebody was on a 60-day probationary period,
8 would it be inappropriate if Ms. Blake said, hey,
9 I've got somebody on a 60-day probationary period
10 and with a -- I guess let's just understand what
11 that means. I mean, one more piece of
12 discipline, you could have been subject to
13 discharge, right?

14 A. Well, in any other world, that might be
15 correct, but in the Cardinal world, no. I've
16 seen many people be on final written warning,
17 including staff members of mine, and it be
18 completely washed off and they're back to
19 starting again.

20 Q. Okay. Well, I guess I would say: Do
21 you know of any branch managers who were on
22 60-day probationary periods?

23 A. I do not.

24 Q. Okay. And, I mean, the good and the bad
25 is, the Mentor branch was the flagship, right?

1 A. Correct.

2 Q. And was headquarters -- how close was
3 headquarters to your branch?

4 A. We were in the same building.

5 Q. Okay. So if there's any surprise audit
6 for anybody coming to check anything out, I mean,
7 you had the management team, the executive team
8 right there, right?

9 A. Correct.

10 Q. So, I mean, the good of it is, is you
11 are at the largest branch. You've got lots of
12 customers. You've got lots of members -- I'm
13 sorry -- coming through.

14 Can you still see me?

15 A. I can see you.

16 THE REPORTER: You froze for a couple
17 seconds.

18 MR. CAMPBELL: Okay. My computer went
19 out. Give me one second.

20 Okay. We might pop back. I think I
21 accidentally turned something off.

22 Okay. We're back. Okay. Can you still
23 hear me?

24 THE REPORTER: Yes.

25 MR. CAMPBELL: Okay. We're back. Had a

1 little bit of an issue with it.

2 BY MR. CAMPBELL:

3 Q. So the good and the bad, you had the
4 eyes of the executive team there, as well, right?

5 A. Correct.

6 Q. Okay. So I guess I would say, you don't
7 know what Ms. Blake made her decision on, do you?

8 A. I do not.

9 Q. Okay. If Ms. Blake made her decision
10 based upon your 60-day probationary period when
11 looking at the branch managers, would that change
12 your view?

13 A. It would not.

14 Q. It would not. Okay.

15 And how do you know that Ms. Blake
16 wouldn't look at that -- those two warnings and
17 think that those were significant issues in her
18 eyes?

19 A. I don't know whether she would or she
20 wouldn't.

21 Q. Okay. Well, I guess I would say -- I
22 mean, here's somebody who is looking at them.
23 Here's somebody who hired you, right? I mean,
24 she didn't hire you because she disliked women,
25 right?

1 A. I -- Ms. Blake did not hire me because
2 she disliked women, no.

3 Q. Okay. Do you know, did she -- or do you
4 believe she discriminated against anybody else?

5 A. I have no knowledge of whether she did
6 or if she didn't.

7 Q. Okay. You have no knowledge. Okay.

8 Okay. Well, here's somebody who hired
9 you. You said that you got good evaluations, so,
10 presumably, you were happy at those times, right?

11 A. My evaluation was less than 30 days
12 before Ms. Blake decided to terminate me.

13 Q. Okay. Well, Ms. --

14 A. The same, the same evaluation where
15 Ms. Blake gave me a bonus, less than 30 days
16 before she decided to terminate me.

17 Q. Okay. Was the evaluation for 2019?

18 A. The evaluation was for 2019 and it
19 transpired and through, really, to the time that
20 I was evaluated, which was in the middle of
21 February of 2020.

22 Q. Okay. Well, was it -- I mean, however
23 you want to frame it. You have 30 days of
24 discipline in 2020, and most certainly your
25 evaluation for 2019 is not going to be negatively

1 impacted for discipline in 2020, right?

2 A. I mean, it was noted in there, in my
3 review, correct, yes, for whatever I had during
4 that period.

5 Q. During the period up to the point of it
6 or during 2019?

7 A. The review was in February of 2020 for
8 2019, but it was an overall review of 2019 and
9 whatever part we had of 2020 prior to --

10 Q. Okay. You believe --

11 A. Yes.

12 Q. And was Ms. Blake part of that?

13 A. Ms. Blake was not involved in my review.

14 Q. Okay. You don't think she would have
15 had to review and sign off, or where do you come
16 down on that?

17 A. You mean in the room or...

18 Q. No, not in the review, not --

19 A. No.

20 Q. -- actually there, but being part of it.

21 A. My review, I'm sure she had, you know,
22 had to sign off on the review. Like I said, I
23 was, I was given a review by Mario, who was my
24 direct who, you know, ultimately reported to
25 Ms. Blake. That's his direct. I'm sure she

1 understood the review. I'm sure she had to
2 authorize the bonus I was given at that
3 particular time.

4 Q. Okay. Well, were you happy with the
5 review?

6 A. I was happy with most of the review. I
7 disagreed on several parts of the review because
8 it had never been discussed with me previously
9 and I actually ended up speaking with Cindy in HR
10 about that.

11 Q. Okay. What were those parts?

12 A. I can't tell you exactly what it is
13 today, two years later, but there were a couple
14 of areas in there that I had disagreed about, and
15 I brought that to Cindy's attention.

16 Q. Okay. And what did Cindy do about it?

17 A. She spoke to Mario about it and told
18 Mario that an employee should never -- it should
19 never be basically a surprise to an employee.
20 And if you were going to put something in the
21 review, there should have been further
22 discussions documented prior to and there was
23 not.

24 Q. Were there performances issues? Is that
25 what you were upset about?

1 A. Not so much an issue, but I didn't agree
2 with the rating on the scale that he gave for
3 those particular areas.

4 THE REPORTER: Excuse me one moment.

5 (Record paused momentarily.)

6 THE REPORTER: Very sorry for that.

7 MR. CAMPBELL: No problem.

8 BY MR. CAMPBELL:

9 Q. Okay. So tell me, what was your overall
10 ranking or rating?

11 A. My ranking was good overall. I just was
12 not pleased with a couple of the areas that I was
13 rated less than I felt I should have without
14 really any documentation or prior discussions.

15 Q. Okay. So you had had an issue.

16 And I guess did you have any issues with
17 Mario?

18 A. Did I have any issues with Mario?

19 Q. Yeah.

20 A. You know, Mario was -- Mario was --
21 didn't return calls very quickly. He wasn't --
22 his availability was not very good when you
23 needed him. And Mario, when you asked for
24 something or you needed something, you always had
25 to go back for a second time or a third time to

1 ask for it because he didn't do it.

2 Q. Okay. Okay. So any other problems with
3 Mario?

4 A. No. I mean, Mario -- I had very little
5 dealings with Mario, to be honest with you, other
6 than, you know, your normal conference calls,
7 your Monday morning meetings. Mario had other
8 branches he was responsible for and he wasn't
9 around very often.

10 Q. Okay. Okay. So you have your review
11 and I take it that you weren't -- did you get a
12 pay raise?

13 A. The way Cardinal does pay raises, which
14 was my first understanding of how they do it when
15 you make a certain amount of money, is they give
16 you a raise in the form of what they call a 1
17 percent bonus. And it's a lump sum bonus for the
18 year, and that's what they give you.

19 Q. Okay. So you got the 1 percent bonus.
20 Was that the max, or where did that fall into?

21 A. That was the max that you would get if
22 you got it at all. Yes.

23 Q. Okay. Okay. So you got that. And so
24 you got, you got that aspect of your -- of the
25 evaluation. And so, presumably, that was

1 reviewed and approved by Ms. Blake.

2 So I guess let me ask you with respect
3 to then. So you get that review. You also
4 have -- you're on probation for 30 and 60 days.
5 What did Mario tell you about the probation? I
6 mean, what did he tell you about it?

7 A. Mario didn't tell me a whole lot about
8 the probation at all. It was basically this is
9 why you're going on probation. If you had
10 anything to say about it, he wasn't really
11 interested because he'd already made a decision
12 this is what he was doing and signed the paper.
13 Whether you agree with it or not, it doesn't
14 matter, basically.

15 You know, by signing it, it didn't mean
16 that you agreed with it. And that it was very
17 short, sweet. There was never really any
18 detailed conversation.

19 And, like I stated before, it was not
20 abnormal in any way, shape, or form for someone
21 to get called in by myself or Mario or Cindy and
22 have a write-up of this nature. It was, it was
23 an odd thing, in all the years of banking, but
24 there was a lot of this going on where my
25 experience in other organizations are -- there is

1 disciplinary action; however, it wasn't to this
2 level for minor things of this nature.

3 Q. Okay. Well, I guess I would say, at
4 this level, I thought you were telling me that
5 you didn't consider it really a serious issue.

6 A. I wouldn't say that I didn't consider it
7 a serious issue. What I'm saying is,
8 unfortunately, it was more the norm than it
9 should be for individuals to be on such
10 disciplinary action of this, in the graded level
11 of the 30 to 60 to, you know, potentially the
12 final.

13 I had seen, personally, people be on
14 final writtens go through this entire process and
15 go back to being that, you know, in their eyes,
16 we'll say, that stellar employee where it all
17 just went away. In other organizations I've
18 worked for, that was not my experience. If you
19 were in a 30 or a 60 or a 90, then you were going
20 down the path of potentially being terminated.
21 That was not the way Cardinal operated.

22 Q. Okay. Well, let me ask you: Who -- I
23 can see you saying that as to some of your
24 employees. And most certainly, I guess I would
25 say, I mean, any organization would be giving --

1 I would think would be giving the probationary
2 period to hopefully improve performance, right?

3 A. Correct.

4 Q. Okay. So your employees coming through
5 and I guess being back to page 1, did you
6 disagree with that, or did you support them, I
7 guess, coming off of the probationary period?

8 A. In one particular instance, I wasn't
9 given really any -- wasn't asked for my opinion
10 at all whatsoever. One particular employee, it
11 was washed away by Ms. Blake.

12 Q. Okay. Who was that?

13 A. Jason Riter.

14 Q. Okay. So your assistant manager, what
15 had he done? What had he done to get that issue?

16 A. He hadn't turned something in. It
17 wasn't something that I had put him on. This was
18 prior to me coming he was on previously. But he
19 was on a warning of that nature. He was on it
20 and then he got escalated to a final written
21 warning for similar items of whatever the -- what
22 he had done. I can't remember exactly. And then
23 he was -- everything was good.

24 Q. Okay. Okay. Had you disagreed with
25 that?

1 A. I didn't -- I disagreed with how it took
2 place. It wasn't something that I was -- that I
3 had any knowledge from in any other organization
4 that I had worked for, so not something I had
5 really seen. Not necessarily agreed or
6 disagreed. I felt there was inconsistencies with
7 discipline overall with Cardinal.

8 Q. Okay. Okay. Well, tell me, when you
9 make that comment, what were the other
10 inconsistencies?

11 A. It just depended which way the wind was
12 blowing or how Christine got out of bed that
13 morning whether someone was going to be
14 disciplined for something that potentially she
15 came across.

16 Q. Okay. So you thought that Christine was
17 inconsistent?

18 A. Correct.

19 Q. Okay. Who else was she inconsistent
20 with, I guess, on?

21 A. It was just overall inconsistencies is
22 what I'm saying in regards to --

23 Q. Well, who else? I mean, you can't say
24 overall inconsistencies and then say there's
25 Jason Riter and nobody else.

1 A. There are other examples, but I cannot
2 tell you the specifics or recall the specifics.
3 But the overall disciplinary action I would say
4 is inconsistent based on my experience.

5 Q. Okay. But can you think of any other
6 person that you can point to in that?

7 A. Not at this time.

8 Q. Okay. Anyone else in your branch?

9 A. Not at this time.

10 Q. Okay. So you don't have anybody else
11 there.

12 Is there anything else, I guess, as to
13 it with respect to this -- so did you speak up
14 and tell Ms. Blake that you thought that your
15 assistant branch manager should be let go?

16 A. I did not.

17 Q. Did you think he should be let go?

18 A. I did not think he should be let go.

19 Q. So did you agree or disagree with what
20 she did?

21 A. I agreed with what she did; however, I
22 don't think he should have gotten to that level
23 to begin with.

24 Q. Meaning he shouldn't have gotten -- what
25 level did he get to?

1 A. He was on a final written warning.

2 Q. Okay. So he was on a final written
3 warning and you didn't think he should get that
4 level.

5 Was he on that when you got on board?

6 A. No. He ended up getting put on it when
7 I was there.

8 Q. Okay. Okay. What was he put on it for
9 again?

10 A. I don't recall. I think it was
11 something to do with -- it was a paperwork issue.

12 Q. Okay. Okay. And when did he come off
13 of it?

14 A. I don't recall the date he came off of
15 it.

16 Q. Okay. Okay. So he came off of it, and
17 I guess my question to you is: How do you know
18 any other branch managers were put on
19 probationary status?

20 A. What was the question?

21 Q. How do you know if any other branch
22 managers were put on probationary status?

23 A. I don't know.

24 Q. Okay. I think you told me that it was
25 not unusual that a branch manager would be put on

1 that.

2 A. It isn't unusual.

3 Q. Well, who do you -- who else was put on
4 probationary status?

5 A. I don't know. I'm just saying it was
6 not -- it was not abnormal for anyone to be on
7 coaching, write-ups, probationary status,
8 whatever you want to call it. It was a standard.

9 Q. Okay. Well, standard for your employees
10 in the branch. I mean, I get that.

11 A. It's standard overall at Cardinal.

12 Q. How do you know that? You're making a
13 statement and you don't have any evidence to
14 support it, do you?

15 A. What I'm saying is, it was a standard of
16 the way that disciplinary was handled.

17 Q. Okay. How do you know that any other
18 branch manager during your tenure at Cardinal
19 were placed on probation?

20 A. I don't know specifically.

21 Q. Okay. Okay. Okay. Let me show you --
22 I think I've got your evaluation. Let me show
23 you the evaluation.

24 (Deposition Exhibit 7, Performance
25 evaluation, Bates-labeled Cardinal000229

1 - 234, was marked for purposes of
2 identification.)

3 Q. Okay. Can you see my screen?

4 A. I can.

5 Q. Okay. Is this it?

6 A. It appears to be, yes.

7 Q. Okay. It looks like the review date is
8 12-10-19, right?

9 A. Yes. I'm sorry. For '18 to '19, yes.

10 Q. Okay. So it wasn't done February of
11 2020, right?

12 A. Well, I'm sorry. No, I don't agree on
13 that. My review date was for 12-10 of 2019.
14 That was my -- when I was supposed to be
15 reviewed. But, as I stated earlier, Mario didn't
16 do anything that he was supposed to on time. I
17 didn't get that review handed to me until
18 February.

19 Q. Okay. But that doesn't mean that they
20 were reviewing you for January and February. I
21 mean, I guess I would say, if you had a great
22 2019 and then your January was terrible, do you
23 think they should do an evaluation for 2019 and
24 say you're terrible because your January was bad?

25 A. He has 2020 listed in my review I think

1 on several things, if I remember correctly.

2 Q. Let's go through it and let's see.

3 Let's go through and just see how it runs.

4 The sales performance, comments from
5 employee, you got yourself -- you gave yourself a
6 5. He gave you a 4.

7 Did you agree or disagree with that?

8 A. Mario never gives anyone a 5, he told
9 me. The fact that I was number one in the entire
10 company for gross in real estate and I grew my
11 branch over 100 percent of my \$12 million goal, I
12 guess I did not agree with that.

13 Q. Okay. Now we have knowledge of job.
14 This is know how to perform essential duties.
15 You put yourself a high performer, again, number
16 5.

17 He says in number 2, and you're still
18 learning. Did you agree or disagree?

19 A. I disagreed on that, and that's one of
20 the ones I spoke to Cindy about.

21 Q. Okay. Well, I mean, you are a
22 first-year, right? You were in your first year?

23 A. First year with Cardinal, not my first
24 year in banking or management or any of those
25 things.

1 Q. Okay. I must say this. I mean,
2 everybody's different, but if somebody said to me
3 how was your year last year, David, I don't think
4 I'm going to give myself too many fives. I'm
5 probably going to, in my view, probably be a 3 or
6 a 4 at best. So I'm not going to...

7 I mean, here you are in your first year
8 and you're saying knowledge of the job at
9 Cardinal, that you're a high performer and you
10 know everything. I guess that seems surprising
11 even to me.

12 A. Well, I don't know if you've seen my --
13 MR. ROBB: Objection. He didn't -- is
14 there a question in there?

15 Q. I mean, it seems surprising that you
16 would, you would say that on a review for it
17 being your first year.

18 MR. ROBB: Again, is there a question?

19 Q. Yeah. It seems surprising. Do you not
20 agree? Ma'am?

21 A. I'm -- I don't agree. Like I said, I
22 wasn't -- I was a first-year manager for
23 Cardinal. I wasn't a first-year manager coming
24 out of college. I had 28 years of experience,
25 and my results was not of a first-year rookie.

1 Q. Okay. Well, he does mention coaching
2 discussions. And we looked at your verbal.
3 There were coaching discussions on the verbal,
4 right?

5 A. Correct. Uh-huh.

6 Q. So it would seem to me that he did give
7 you a heads-up there.

8 Policy compliance, he put his 3 and,
9 again, you put a number 5, right?

10 A. Correct.

11 Q. Okay. Again, you're brand-new and
12 you're saying you're a high performer; that
13 you're at the top of the pile. I mean, that
14 seems a little surprising, does it not?

15 A. No. I was at the top of the pile. I
16 was the top of the pile.

17 Q. Okay. Decision-making, we have a number
18 4 for you. You had a 4 there and he gave you a
19 3.

20 And time -- efficiency and time spent on
21 researching decisions, needs to improve.

22 Do you agree or disagree with that?

23 A. I didn't disagree with that.

24 Q. Okay. Employee management, he says
25 number 2. And you gave yourself a 4.

1 A. It also says I also spoke with Cindy
2 about this one. That was the second one.

3 Q. Okay. Well, he says -- and I guess I
4 was -- when you were describing the turnover, I
5 was thinking it seemed to be a little abnormal.

6 And he mentions that, right? Turnover
7 in 2019 was abnormal, right?

8 A. It was abnormal, but, unfortunately,
9 when I took over the branch, we had a lot of
10 people that actually Mario had recruited and
11 hired that were not performing and had not been
12 disciplined or held to the standards. And that
13 was my job and I was told that when I was hired,
14 that I may have to, you know, review staff and we
15 may have to turn some staff because they weren't
16 meeting or exceeding the job expectations.

17 Q. Okay. Well, they don't blame the errors
18 that come up in 2020 on turnover, right?

19 A. Well, what I said was that one of the
20 reasons that we had some late things turned in
21 late and we had some things missing was the fact
22 that we had turnover and then we had some new
23 staff members and we were still taking care of,
24 you know, the most important thing, which was our
25 members.

1 So those were the reasons behind. When
2 you're down three staff on the platform and you
3 only have five, that's a significant percentage
4 of your group, so we were very short staffed.

5 Q. Well --

6 [Overtalking]

7 MR. ROBB: Excuse.

8 THE REPORTER: I'm sorry. I'm not
9 hearing.

10 Q. That would seem to go for management, as
11 well, Ms. Shibe.

12 I mean, certainly, we want you to hold
13 people to standards, but if you get rid of the
14 entire staff, it may be a problem, right?

15 A. It wasn't my sole decision to get rid of
16 the entire staff. And we didn't get rid of the
17 entire staff. We got rid of the team members
18 that were sleeping at their desk and that were
19 not performing.

20 Q. Okay.

21 A. And we hired -- we rehired with staff
22 members that did a very good job.

23 Q. Okay. And you end up with a 3.6 out of
24 5, which did you agree or disagree with that?

25 A. I disagreed based on the two components

1 that we just spoke about, which were the
2 components I spoke to Cindy about.

3 Q. Okay. Okay. So you got your review.
4 And so the review laid out -- I mean, certainly,
5 I guess I would say this: I don't see the review
6 as -- I mean, it would seem to me that I might
7 have a few concerns. I mean, especially if
8 you're getting that review later, right?

9 I mean, here's, here's, here's some,
10 some concerns that you are having on -- from
11 Mario, your manager, who is giving you some
12 concerns, and you're getting that right when
13 you're also getting disciplined, right?

14 A. Correct. My review was given to me over
15 two months late after it was supposed to be given
16 to me, and I had to get HR involved to even get
17 the review completed because one of the things
18 that we prided ourself on at Cardinal was making
19 sure that we had those reviews prepared and that
20 we had them delivered at those annual review
21 marks.

22 Q. Okay. So you had that issue with the
23 evaluation. So I certainly don't see that
24 evaluation -- I guess maybe I'm wrong -- as being
25 one that I would be happy with. I guess I would

1 say that would seem to me to raise some concerns
2 about whether they believed -- "they" being
3 Cardinal believed that my performance is good,
4 right?

5 A. Which is why, based on my performance, I
6 took those questions to Cindy.

7 Q. Okay. So then you get your two warnings
8 and they both say "probation." And you go from a
9 30-day probation to 60-day. I guess you asked
10 Mario, or did you ask HR about, hey, I want to
11 know what does this mean? Am I, am I close to
12 discharge?

13 A. There was no conversation of that
14 nature.

15 Q. Okay. Well, did you -- you didn't
16 think, hey, I want to find out because -- I mean,
17 to me, I guess I would say I certainly would be
18 looking at that and would have some concerns
19 as -- you didn't have any concerns being on
20 probation and having a 3.6 on your evaluation?

21 A. Well, according to Mario, a 3.6 was
22 great. So I guess you have to look at the
23 overall, you know, expectations and who is
24 looking at the -- who is looking at the skew.

25 According to Mario, he doesn't give any

1 5s. So, you know, I don't exactly know how he
2 marked, but he felt his markings was a solid
3 year.

4 (Deposition Exhibit 8, 2020 Goals,
5 Bates-labeled Cardinal000235 - 237,
6 marked for purposes of identification.)

7 Q. Okay. Okay. Well, now let's look at
8 some expectations. There's a meeting on March
9 10. Tell me about this.

10 A. These are just the standard -- these are
11 just standard expectations for a branch manager.
12 And we were going to meet -- because he gave me
13 this review, I believe it was like the middle of
14 February is when I actually got this review. So
15 we were going to do a checkpoint back a month
16 later, I think on the 10th of March.

17 Q. Okay. Well, it looks like the
18 checkpoint -- it would seem to me when I read
19 through these, it's there saying, hey, we need to
20 make sure your branch is doing the right things
21 and that you are doing the right things, right?

22 A. That was the expectation, yes.

23 Q. Okay. Well, this isn't just normal. I
24 mean, I'm reading this as saying, hey, Ms. Shibe,
25 we need to make sure that your performance

1 improves, right, or else you could be discharged?

2 A. These are the -- no, I don't read that
3 into it at all.

4 These are the areas that he rated me to
5 be lower on, and these are the things that he
6 wanted to see more of in the, in the coming year
7 in 2020.

8 Q. Okay. Well, I mean, number one, there's
9 a lot of things that he needed to see better on,
10 right?

11 A. These are the -- these are the items
12 that are standard for management. Like, these
13 are the things that -- when you say "what is your
14 job responsibilities," all of these things fall
15 under the job responsibility of a manager.

16 So --

17 Q. Okay.

18 A. -- he was reviewing this with me and
19 adding additional things on there that he rated
20 me lower on, and then we were going to review it
21 a month later.

22 Q. Okay. And you didn't -- you weren't at
23 all concerned in meeting this expectation,
24 getting an evaluation of 3.6 and being on a
25 30-day and then a 60-day probation?

1 A. I was concerned on the rating of the 3.6
2 because of the two areas that he rated me low on.
3 And, as I stated previously, none of those
4 conversations about needing to learn the computer
5 or additional depth of these reports or this or
6 that was ever discussed with me previously, which
7 was my issue with HR; that if you're going to --
8 if something ends up on a review, that should
9 have been taught or it should have been shown how
10 to do those things by, say, the district manager
11 or whoever was going to train a manager, a newer
12 manager, to your point.

13 And those had not been brought to my
14 attention prior to him putting them in my review,
15 which is why I believe he went into detail about
16 those specific expectations and what 2020 would
17 look like.

18 Q. Okay. Well -- [unintelligible] -- no
19 different than you. I mean, one of your
20 employees could say, hey, you know, I would have
21 liked to have my branch manager follow up and
22 give me the full evaluations as we go.

23 But just because somebody doesn't come
24 up to me and tell me, hey, during the course of
25 the year, that, hey, you're doing bad, it doesn't

1 mean that I'm doing good, right?

2 A. Well, as a manager for over 30 years, if
3 I'm finding -- if I'm telling an employee
4 something in a review that they've never heard
5 prior to that you want them to learn some
6 additional things or you want them to do better
7 and grasping the reporting or this or that, then
8 I haven't done my job as a manager because I
9 haven't taught them.

10 And I didn't know at that particular
11 time that these are things that he wanted because
12 he never shared those. So to hear that for the
13 first time in a review was my concern, and that's
14 why I went to see Cindy.

15 Q. Okay. Okay. Well, but my point is that
16 it may say, hey, I want you to -- you know, maybe
17 Mario, in your world, could have done a little
18 bit better and given you a heads-up as you went
19 along, but it still doesn't excuse if you're not
20 performing up to expectations, right?

21 A. Well, you don't know what you don't know
22 in regards to the section I was speaking about.
23 In regards --

24 Q. Okay.

25 A. You know, if I've never been trained or

1 I've never been shown this is what you need to
2 do, then you just don't know that.

3 Q. Okay. I get that.

4 But you're also rating yourself as a
5 number 5. I mean, I could see -- I mean, quite
6 frankly, I could see if you're rating yourself as
7 a 2 and saying, hey, Mario, I really need help on
8 some of these areas, but you're rating yourself a
9 5.

10 A. Well, in the -- my overall performance,
11 once again, for 2019, meeting and exceeding my
12 goal of \$12 million for the overall branch, as
13 well as terminating those employees, rehiring new
14 staff -- and, personally, the number one
15 contributor for the whole entire branch system as
16 a real estate contributor for the year, I felt I
17 did have a 5.

18 Q. Okay. Well, I guess it seems to be
19 inconsistent with you saying "I don't think Mario
20 did his job" when you are, at the same time,
21 saying, hey -- you know, going to HR and saying,
22 hey, I didn't get a heads-up on this stuff.

23 A. If Mario wanted me to do more reporting
24 and some of the things that he mentioned in those
25 categories, as my direct boss, it would have been

1 Mario's job to train me, show me, or defer me to
2 someone that could do that for me.

3 Q. Okay. Okay. And so, with that said, as
4 to the -- now, in looking at those -- I mean,
5 looking at your evaluation, looking where you're
6 at, are you really standing by that you were the
7 highest-performing branch manager at Cardinal?

8 A. Absolutely. And that --

9 Q. What do you base that on, I guess? What
10 are you basing that conclusion on?

11 A. I am basing it on I had the largest
12 branch. My goal was the highest of \$1 million
13 each month. I had to meet 100 percent of that to
14 make a \$12 million annual goal. And, personally,
15 I was responsible for performing not only as a
16 branch level, but as an employee.

17 And each Monday we sat together
18 collectively with Christine and all the branch
19 managers and we went over weekly results,
20 month-to-date results, and year-to-date results,
21 and I was top during that period.

22 And there's -- I mean, it was a weekly,
23 a weekly meeting. And, at the end of the year,
24 the results proved to be, you know, meeting and
25 exceeding my goals for Mentor branch for 2019.

1 Q. Okay. And I get that, but it's not as
2 if you came in and all of a sudden changed
3 procedures or anything like that. I mean, you
4 came in and you had the highest-performing branch
5 in the flagship branch when you came in. I mean,
6 if you weren't getting those numbers, I'm
7 assuming there would have been all kinds of
8 issues, right?

9 A. Well, I could say this: The previous
10 branch manager of that branch, they did not
11 contribute to the level that I had.

12 So I'm not sure -- you're saying I took
13 over a branch that had performed at that level
14 consistently previously and, to my knowledge,
15 that wasn't correct.

16 Q. Okay. I wanted to ask you before and
17 you didn't know who was in that spot. You didn't
18 know why they were let go or anything like that.

19 A. I did not know -- I did not know who
20 they were, but I did know when I came into the
21 branch where they were at from a performance
22 standpoint. That, I did know, yes.

23 Q. And I'll just close it at this. I mean,
24 I look at the -- I mean, from my standpoint, I
25 mean, here's somebody who has been -- you know, I

1 could -- I get your argument if you were just out
2 of college and you didn't necessarily understand
3 the issues, but you've been in the banking
4 industry for 30 years. You're in 2020 before
5 COVID hits, you get a 30-day probationary period,
6 a 60-day probationary period, and your, your
7 review was at 3.6 and all you can tell me...

8 And I'll ask the next question. You
9 thought that that was good; that you were not
10 only --

11 [Overtalking]

12 A. No, no, no. Let me correct you on that.
13 No, I didn't think that that was good. But
14 Mario, who set the bench line -- that's the
15 district manager -- he stated to me no one gets
16 fives.

17 So if the highest benchmark is 4 and
18 you're looking at the review from the person who
19 created that review to be the highest benchmark
20 is 4, my average of 3.6, in his world, is pretty
21 good.

22 In my world, if I have a 1 through 5,
23 I'm expecting that if you give a 5 performance,
24 you're going to be given a 5, and that wasn't the
25 case. So the measurement of that review is why I

1 went to HR.

2 Q. Okay. Did you ask HR what -- where 3.6
3 fell on the spectrum of the branch managers?

4 A. They, they, they stated that that was --
5 you know, that would be a good review.

6 Obviously, they said to me you're getting a
7 raise/bonus, which is what they considered at the
8 1 percent. And, in their mind, there was no
9 problem with that review.

10 Like I said, if you're saying that the
11 district manager doesn't give out 5s and 4 is his
12 highest benchmark, having no prior knowledge to
13 that, then I guess a 3.6 is good. But, in my
14 mind, when you have a 1 through 5 being the top
15 rating and you get a 3 point -- you give the
16 performance I gave and then you get a 3.6, no, I
17 wasn't satisfied with that. I didn't feel that
18 that accurately measured my performance for the
19 year.

20 Q. Okay. Well -- so okay. We'll -- who
21 would be witnesses in your -- to support your
22 case that you were discriminated against by
23 Ms. Blake due to your sex?

24 A. I believe I have submitted a list of
25 individuals that we would call.

1 Q. Okay. Well, who, who, who would have --
2 for right now -- I know you have Liz, but right
3 now, who would you tell me could support your
4 case?

5 A. I would have to get back to you with a
6 list and think of that -- think through that
7 thoroughly.

8 Q. Okay. You can't tell me anybody right
9 now that could say, yes, I think that Ms. Shibe
10 was the top-performing branch manager and I can't
11 believe she was selected?

12 A. I mean, if you're asking me that
13 question, then I would say, of course, I would
14 say Mario would absolutely have to tell you,
15 based on all of the reports and the data that we
16 went over each week on the branch managers and
17 the performance; I would say our director of
18 lending who ran those reports and had the weekly
19 meetings and the huddles; I would say anyone in
20 our mortgage department who took all of my branch
21 and my personal referrals and reported each week.
22 Robert Ernstein reported each week on individual
23 referrals, branch loans that closed, and our real
24 estate pipeline in general.

25 So there would be -- there would be a

1 variety of people that would tell you or support
2 the numbers that I'm talking about both
3 personally and for the branch in itself.

4 MR. CAMPBELL: Okay. Okay. I think I'm
5 wrapped up. Let's take a short break. Let's
6 come back in five minutes, Sam, and then we'll
7 wrap up.

8 MR. ROBB: All right. Sounds good to
9 me.

10 MR. CAMPBELL: Okay. Thanks.

11 (A recess was taken.)

12 MR. CAMPBELL: Okay. Well, Ms. Shibe,
13 thank you very much for taking the time. I don't
14 have any more questions today, unless Sam has any
15 questions.

16 MR. ROBB: I just have a few quick
17 questions for you, Abbie.

18 THE WITNESS: Sure.

19 EXAMINATION OF ABBIE SHIBE

20 BY MR. ROBB:

21 Q. Prior to today, had you ever seen what
22 was introduced as Exhibit 6, which was the list
23 of individuals terminated by Cardinal Credit
24 Union? Had you seen that document before today?

25 A. I had not.

1 Q. That was not presented to you when you
2 were terminated and when you received the
3 termination letter; is that correct?

4 A. That is correct. On the phone when I
5 spoke to Cindy that evening, it was specifically
6 about me. And the only other paperwork I got was
7 the letter that we viewed today.

8 Q. And then for your performance reviews
9 and those Monday meetings that you previously
10 referenced, would you guys go over statistics of
11 how the bank was performing by their numbers?

12 A. Yes. So everything in the Monday
13 morning meetings was based on real live numbers.
14 So it was what we had done in regular loans and
15 then what we had done in real estate, which were
16 the two buckets that we were held accountable for
17 from a branch manager standpoint.

18 And then we would go over dollars,
19 ranking everyone in the company from one to the
20 bottom. And we actually even had, like, the
21 green zone, the yellow zone, and the red zone,
22 meaning that month-to-date or year-to-date, if
23 you were in this zone, then, obviously, you were
24 good. If you were needing improvement or you
25 were in the red zone, this is where you needed

1 to, you know, focus your energies.

2 We also had detailed lists of referral
3 business through the mortgage department each
4 week, and we would go over all of the referrals
5 that -- branches and individuals. Top performers
6 were announced each week via Christine in those
7 meetings for the referrals to our mortgage
8 partners, as well as the loans that had closed
9 and then what the overall branches that were on
10 top, as well as individuals each week.

11 Q. And were you ever in the red zone that
12 you referenced?

13 A. No, never. I took Mentor over in
14 December of '18, and part of the compensation
15 with Cardinal was salary plus bonus. If your
16 employees met their goal each month with doing
17 the individual things that they did, that was one
18 bonus that you received.

19 And if the -- as a branch manager. And
20 if the branch manager met the goal of the branch,
21 which in my case was a million dollars of new
22 growth each month, then there was an additional
23 bonus that was received, and I was successful in
24 achieving that each month.

25 Q. So were you ever in the yellow zone that

1 you referenced?

2 A. No. I, I met my goals for 2019 and I
3 exceeded what the expectations were of me
4 personally and for my branch for that year.

5 Q. So you were always in the green zone,
6 then, correct?

7 A. Correct. In fact, I was usually the top
8 three rotating week by week, depending on what
9 had booked out each week and how things were
10 going.

11 And, like I said earlier, as far as the
12 mortgage referrals and the individual mortgages
13 that were closed for 2019, I was the number one
14 in the company for the most referrals and the
15 most dollars closed for that year.

16 Q. And, to your recollection, did any male
17 branch managers ever rank above you during these,
18 these meetings?

19 A. They may have ranked above me for a week
20 based on bookings, but, at the end of the day,
21 based on the size of my branch, the goal of my
22 branch and the percentages, I would say no.

23 MR. ROBB: I have nothing further.

24 Dave and Andrea, if you guys have some
25 questions based on those.

1 MR. CAMPBELL: Yeah, just briefly.

2 EXAMINATION OF ABBIE SHIBE

3 BY MR. CAMPBELL:

4 Q. Ms. Shibe, those are just pure sales
5 numbers, right, that you were going over on
6 Mondays?

7 A. Yes, pure sales numbers for the
8 individuals and branches.

9 MR. CAMPBELL: Okay. Okay. No further
10 questions.

11 MR. ROBB: We will read.

12 (Signature is not waived.)

13 (Deposition concluded at 5:27 p.m.)

14 - - - - -

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CERTIFICATE

The State of Ohio,)
) SS:
County of Cuyahoga.)

I, Kristin Wegryn, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness, ABBIE SHIBE, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken remotely at the time and place in the foregoing caption specified and was completed without adjournment. I do further certify that I am not a relative, counsel, or attorney for either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my seal of office at
Cleveland, Ohio, on this 21st day of March 2022.

Kristin L. Weigman

Kristin Wegryn, RMR, CRR
Notary Public State of Ohio
Commission expiration: July 23, 2023

Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

March 21, 2022

To: Samuel Robb, Esq.

Case Name: Shibe, Abbie v. Cardinal Credit Union, Inc.

Veritext Reference Number: 5124137

Witness: Abbie Shibe Deposition Date: 3/7/2022

Dear Sir/Madam:

The deposition transcript taken in the above-referenced matter, with the reading and signing having not been expressly waived, has been completed and is available for review and signature. Please call our office to make arrangements for a convenient location to accomplish this or if you prefer a certified transcript can be purchased.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

NO NOTARY REQUIRED IN CA

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5124137

CASE NAME: Shibe, Abbie v. Cardinal Credit Union, Inc.

DATE OF DEPOSITION: 3/7/2022

WITNESS' NAME: Abbie Shibe

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date Abbie Shibe

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5124137

CASE NAME: Shibe, Abbie v. Cardinal Credit Union, Inc.

DATE OF DEPOSITION: 3/7/2022

WITNESS' NAME: Abbie Shibe

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Abbie Shibe

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

ASSIGNMENT NO: 3/7/2022

PAGE/LINE(S)	CHANGE	/REASON
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Date Abbie Shibe

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF _____, 20____.

Notary Public

Commission Expiration Date

[& - 7:00]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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